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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.118]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following December 9, 1950, paragraph (a) is amended by the addition of the following posts:

Chiangmai, Thailand.
Delhi, India.
Iloilo, Philippines.
Pakistan, all posts.

2. Effective as of the beginning of the first pay period following December 9, 1950, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil in paragraph (a) of this section, except Belo Horizonte, Campinas, Curitiba, Fazenda Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, and Vitoria.

India, all posts except Calcutta, Delhi, New Delhi, and Madras.

Yugoslavia, except Zagreb.

3. Effective as of the beginning of the first pay period following December 9, 1950, paragraph (d) is amended by the deletion of the following post:

Penang, Malaya.

4. Effective as of the beginning of the first pay period following December 9, 1950, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil in paragraph (a) of this section, except Belo Horizonte, Belterra, Campinas, Curitiba, Fazenda Ipanema, Natal, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vitoria.

Iloilo, Philippines.

5. Effective as of the beginning of the first pay period following October 28, 1950, paragraph (b) is amended by the deletion of the following posts:

Kuching, Sarawak.
Sandakan, North Borneo.

6. Effective as of the beginning of the first pay period following December 9, 1950, paragraph (c) is amended by the deletion of the following post:

Chiang Mai, Thailand.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

DECEMBER 6, 1950.

[P. R. Doc. 50-11741; Filed, Dec. 15, 1950; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 189]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.498 *Orange Regulation 189*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared pol-

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icy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1950. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until December 18, 1950; the recommendation and supporting information for continued regulation subsequent to December 17 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 18, 1950, and ending at 12:01 a. m., January 15, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1950, and ending at 12:01 a. m., e. s. t., January 2, 1951, no handler shall ship any oranges, including Temple oranges

grown in Regulation Area I or Regulation Area II.

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of December 1950.

[SEAL]

C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-11837; Filed, Dec. 15, 1950; 8:57 a. m.]

[Grapefruit Reg. 133]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.499 *Grapefruit Regulation 133—*
(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1950. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until December 18, 1950; the recommendation and supporting information for continued

regulation subsequent to December 17 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 18, 1950, and ending at 12:01 a. m., e. s. t., January 15, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in

accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any pink seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xii) Any pink seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1950, and ending at 12:01 a. m., e. s. t., January 2, 1951, no handler shall ship any grapefruit of any variety grown in Regulation Area I or Regulation Area II.

(3) As used in this section "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of December 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-11836; Filed, Dec. 15, 1950; 8:57 a. m.]

[Tangerine Reg. 102]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.500 *Tangerine Regulation 102—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the

State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1950. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until December 18, 1950; the recommendation and supporting information for continued regulation subsequent to December 17 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* Except as otherwise provided in subparagraph (2) of this paragraph:

(1) During the period beginning at 12:01 a. m., e. s. t., December 18, 1950, and ending at 12:01 a. m., e. s. t., January 8, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a

half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{2}$ inches; capacity 1,726 cubic inches).

(2) During the period beginning at 12:01 a. m., e. s. t., December 24, 1950, and ending at 12:01 a. m., e. s. t., January 2, 1951, no handler shall ship any tangerines grown in the State of Florida.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of December 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 50-11838; Filed, Dec. 15, 1950; 8:58 a. m.]

[Lemon Reg. 361]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.468 *Lemon Regulation 361*—(a) *Findings.* (a) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the

period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 13, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. T., December 17, 1950, and ending at 12:01 a. m., P. S. T., December 24, 1950, is hereby fixed as follows:

- (i) District 1: 15 carloads;
- (ii) District 2: 185 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of December 1950.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Dec. 10, 1950]

District No. 1

[12:01 a. m., Dec. 17, 1950, to 12:01 a. m., Dec. 31, 1950]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	29.726
Lemon Cove Association	16.778
Porterville Citrus Association, The	.344
Tulare County Lemon & Grapefruit Association	42.196
California Citrus Groves, Inc., Ltd.	.016
Harding & Leggett	10.365
Kroells Packing Co.	.027
Zaninovich Bros., Inc.	.000
Sky Acres Ranch	.548

District No. 2

Total	100.000
American Fruit Growers, Inc.,	
Corona	.190

PRORATE BASE SCHEDULE—Continued

District No. 2—Continued

Handler	Prorate base (percent)
American Fruit Growers, Inc., Fullerton	0.194
American Fruit Growers, Inc., Upland	.226
Eadington Fruit Co.	.024
Hazeltine Packing Co.	1.332
Ventura Coastal Lemon Co.	4.805
Ventura Pacific Co.	2.620
Glendora Lemon Growers Association	1.215
La Verne Lemon Association	.546
La Habra Citrus Association	.297
Yorba Linda Citrus Association	.241
Escondido Lemon Association	1.635
Alta Loma Heights Citrus Association	.493
Etiwanda Citrus Fruit Association	.366
Mountain View Fruit Association	.286
Old Baldy Citrus Association	.893
San Dimas Lemon Association	.905
Upland Lemon Growers Association	4.758
Central Lemon Association	.112
Irvine Citrus Association	.123
Placentia Mutual Orange Association	.288
Corona Citrus Association	.249
Corona Foothill Lemon Co.	1.633
Jameson Co.	.615
Arlington Heights Citrus Co.	.326
College Heights Orange & Lemon Association	2.804
Chula Vista Citrus Association	.650
El Cajon Valley Citrus Association	.036
Escondido Cooperative Citrus Association	.181
Fallbrook Citrus Association	1.125
Lemon Grove Citrus Association	.193
Carpinteria Lemon Association	4.278
Carpinteria Mutual Citrus Association	5.163
Goleta Lemon Association	6.516
Johnston Fruit Co.	8.848
North Whittier Heights Citrus Association	.127
San Fernando Heights Lemon Association	2.970
Sierra Madre-Lamanda Citrus Association	1.150
Briggs Lemon Association	1.632
Culbertson Lemon Association	2.323
Pillmore Lemon Association	.726
Oxnard Citrus Association	7.095
Rancho Sespe	.806
Santa Clara Lemon Association	3.711
Santa Paula Citrus Fruit Association	1.038
Saticoy Lemon Association	5.301
Seaboard Lemon Association	5.575
Somis Lemon Association	3.507
Ventura Citrus Association	1.601
Ventura County Citrus Association	.003
Limoneira Co.	1.826
Teague-McKevett Association	.429
East Whittier Citrus Association	.127
Leffingwell Rancho Lemon Association	.165
Murphy Ranch Co.	.168
Chula Vista Mutual Lemon Association	.713
Index Mutual Association	.085
La Verne Cooperative Citrus Association	2.019
Orange Belt Fruit Distributors	.500
Ventura County Orange & Lemon Association	2.533
Whittier Mutual Orange & Lemon Association	.600
Evans Bros. Packing Co.	.010
Latimer, Harold	.014
San Antonio Orchard Co.	.011
Paramount Citrus Association	.159

[F. R. Doc. 50-11914; Filed, Dec. 15, 1950; 8:58 a. m.]

RULES AND REGULATIONS

[Orange Reg. 350]

PART 966—ORANGES GROWN IN CALIFORNIA
OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.496 Orange Regulation 350—

(a) Findings. (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on December 14, 1950, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order. (1) Subject to the size requirements in Orange Regulation 347 (7 CFR 966.493, 15 F. R. 8153), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 17, 1950, and ending at 12:01 a. m.,

P. s. t., December 24, 1950, is hereby fixed as follows:

(1) Valencia oranges. (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement.

(2) Oranges other than Valencia oranges. (a) Prorate District No. 1: 400 carloads;

(b) Prorate District No. 2: 75 carloads;

(c) Prorate District No. 3: 65 carloads;

(d) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of December 1950.

S. R. SMITH,

Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 17, 1950, to 12:01 a. m., P. s. t., Dec. 24, 1950]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate Base (percent)
Total	100.0000
A. F. G. Lindsay	2.0034
A. F. G. Porterville	1.5884
Ivanhoe Coop. Association	.6525
Sandilands Fruit Co.	.5116
Dofflemeyer & Son, W. Todd	.5472
Earlibest Orange Association	1.7681
Elderwood Citrus Association	.9459
Exeter Citrus Association	2.7551
Exeter Orange Growers Association	1.2672
Exeter Orchard Association	1.4838
Hillside Packing Association	1.0901
Ivanhoe Mutual Orange Association	1.1031
Klink Citrus Association	4.4149
Lemon Cove Association	2.3226
Lindsay Citrus Growers Association	2.0918
Lindsay Cooperative Citrus Association	.9862
Lindsay Fruit Association	1.7842
Lindsay Orange Growers Association	1.3690
Naranjo Packing House	1.0236
Orange Cove Citrus Association	4.2452
Orange Packing Co.	1.1034
Orosi Foothill Citrus Association	1.5430
Paloma Citrus Fruit Association	1.0489

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Rocky Hill Citrus Association	1.1640
Sanger Citrus Association	4.5784
Sequoia Citrus Association	1.0702
Stark Packing Corp.	2.5794
Visalia Citrus Association	1.9401
Waddell & Son	1.9416
Baird-Neece Corp.	1.5073
Beattie Association, D. A.	.7483
Grand View Heights Citrus Association	2.3489
Magnolia Citrus Association	1.8234
Porterville Citrus Association	1.3790
Richgrove Jasmine Citrus Association	1.5995
Strathmore Cooperative Association	1.1796
Strathmore District Orange Association	1.0612
Strathmore Fruit Growers Association	.9260
Strathmore Packing Association	1.7073
Sundowner Packing Association	2.0331
Sunland Packing House Co.	2.4003
Terra Bella Citrus Association	1.7355
Tule River Citrus Association	1.1643
La Verne Cooperative Citrus Association	.2113
Lindsay Mutual Groves	1.0970
Martin Ranch	1.4371
Orange Cove Orange Growers	2.8907
Webb Packing Co., Inc.	.4031
Woodlake Packing House	2.9733
Anderson Packing Co., R. M.	.9808
Andrews Bros. of California	.0000
Baker Bros.	.3156
Barnes, J. L.	.0283
Batkins Jr., Fred A.	.0670
Bear State Packers, Inc.	.2099
California Citrus Groves, Inc., Ltd.	2.0215
Chess Co., Meyer W.	.4742
Darby, Fred J.	.0338
Darling, Curtis	.0015
Dubendorf, John	.1796
Edison Groves Co.	.4914
Evans Bros. Packing Co.	.0820
Harding & Leggett	2.4662
Independent Growers, Inc.	2.2897
Kim, Charles	.0518
Lroells Packing Co.	2.3475
Larson, Kermit	.0120
Lo Bue Bros.	1.0975
Maas, W. A.	.0689
Marks, W. M.	.4092
Minasian, Bob	.0015
Moore Packing Co., Myron	.0860
Nicholas, Richard	.0060
Randolph Marketing Co., Inc.	2.2196
Reimers, Don H.	.4214
Saba, Edward A.	.0247
Sechrist, Calvin C.	.0151
Sky Acres Ranch	.0452
Swenson, L. W.	.0484
Toy Chin	.0349
Woodlake Heights Packing Corp.	.4540
Wymer, E. C.	.0151
Zaninovich Bros., Inc.	1.3941

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.6446
A. F. G. Corona	.2250
A. F. G. Fullerton	.0353
A. F. G. Orange	.0341
A. F. G. Riverside	.9518
A. F. G. Santa Paula	.0444
Eadington Fruit Co., Inc.	.7651
Hazeltine Packing Co.	.1095
Krinar Packing Co.	2.0735
Placentia Coop. Orange Association	.6647
Placentia Pioneer Valencia Growers Association	.0408
Signal Fruit Association	.8807

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Azusa Citrus Association.....	1.3839
Covina Citrus Association.....	1.5362
Covina Orange Growers Association.....	.5096
Damrel-Allison Co.....	1.1098
Glendora Citrus Association.....	1.3204
Glendora Mutual Orange Association.....	.5711
Valencia Heights Orchard Association.....	.2104
Gold Buckle Association.....	2.8051
La Verne Orange Association.....	4.6748
Anaheim Valencia Orange Association.....	.0244
Fullerton Mutual Orange Association.....	.2864
La Habra Citrus Association.....	.1853
Orange County Valencia Association.....	.0130
Yorba Linda Citrus Association, The.....	.0222
Escondido Orange Association.....	.5505
Alta Loma Heights Citrus Association.....	.3971
Citrus Fruit Growers.....	.7280
Etiwanda Citrus Fruit Association.....	.2043
Mountain View Fruit Association.....	.1334
Old Baldy Citrus Association.....	.4481
Rialto Heights Orange Growers.....	.3916
Upland Citrus Association.....	2.4632
Upland Heights Orange Association.....	1.1720
Consolidated Orange Growers.....	.0228
Frances Citrus Association.....	.0101
Garden Grove Citrus Association.....	.0257
Goldenwest Citrus Association, The.....	.1177
Olive Heights Citrus Association.....	.0419
Santa Ana-Tustin Mutual Citrus Association.....	.0093
Santiago Orange Growers Association.....	.1285
Tustin Hills Citrus Association.....	.0285
Villa Park Orchards Association, The.....	.0338
Bradford Bros., Inc.....	.2120
Placentia Mutual Orange Association.....	.2115
Placentia Orange Growers Association.....	.3198
Yorba Orange Growers Association.....	.0548
Call Ranch.....	.7344
Corona Citrus Association.....	1.0019
Jameson Co.....	.5073
Orange Heights Orange Association.....	2.1271
Crafton Orange Growers Association.....	1.2124
East Highlands Citrus Association.....	.3984
Redlands Heights Groves.....	.6532
Redlands Orangedale Association.....	.8576
Break & Son, Allen.....	.1695
Bryn Mawr Fruit Growers Association.....	.8714
Mission Citrus Association.....	1.1563
Redlands Cooperative Fruit Association.....	1.2058
Redlands Orange Growers Association.....	.9352
Redlands Select Groves.....	.5628
Rialto Orange Co.....	.3578
Southern Citrus Association.....	1.0099
United Citrus Growers.....	.6706
Zilen Citrus Co.....	.5358
Arlington Heights Citrus Co.....	.9561
Brown Estate, L. V. W.....	1.8588
Gavilan Citrus Association.....	1.9330
Highgrove Fruit Association.....	.7475
McDermont Fruit Co.....	1.5967
Monte Vista Citrus Association.....	1.5146
National Orange Co.....	1.0792
Riverside Heights Orange Growers Association.....	1.3295
Sierra Vista Packing Association.....	.9551
Victoria Avenue Citrus Association.....	3.3030
Claremont Citrus Association.....	.9621

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
College Heights Orange & Lemon Association.....	2.1995
Indian Hill Citrus Association.....	1.1923
Walnut Fruit Growers Association.....	.5724
West Ontario Citrus Association.....	1.1792
El Cajon Valley Citrus Association.....	.2722
Escondido Cooperative Citrus Association.....	.0457
San Dimas Orange Growers Association.....	1.1607
Canoga Citrus Association.....	.0671
North Whittier Heights Citrus Association.....	.1467
San Fernando Fruit Growers Association.....	.3258
San Fernando Heights Orange Association.....	.2893
Sierra Madre-Lamanda Citrus Association.....	.1665
Camarillo Citrus Association.....	.0110
Fillmore Citrus Association.....	1.2043
Ojai Orange Association.....	.9029
Piru Citrus Association.....	1.3384
Rancho Sespe.....	.0013
Santa Paula Orange Association.....	.1302
Ventura County Citrus Association.....	.0222
East Whittier Citrus Association.....	.0059
Whittier Citrus Association.....	.0764
Anaheim Cooperative Orange Association.....	.0647
Bryn Mawr Mutual Orange Association.....	.5283
Chula Vista Mutual Lemon Association.....	.1275
Euclid Avenue Orange Association.....	2.7037
Foothill Citrus Union, Inc.....	.5873
Garden Grove Orange Cooperative, Inc.....	.0359
Golden Orange Groves, Inc.....	.2850
Highland Mutual Groves, Inc.....	.2919
Index Mutual Association.....	.0100
La Verne Cooperative Citrus Association.....	3.3061
Mentone Heights Association.....	.6552
Orange Cooperative Citrus Association.....	.0535
Redlands Foothill Groves.....	2.1069
Redlands Mutual Orange Association.....	1.0572
Ventura County Orange & Lemon Association.....	.2777
Whittier Mutual Orange & Lemon Association.....	.0266
Allec Bros.....	.0043
Babifruit Corp. of California.....	.4020
Bennett Fruit Co.....	.2963
Borden Fruit Co.....	.0324
Cherokee Citrus Co., Inc.....	1.0064
Chess Co., Meyer W.....	.4312
Dunning Ranch.....	.1809
Evans Bros. Packing Co.....	1.4985
Gold Banner Association.....	1.8921
Granada Packing House.....	.9538
Hill Packing House, Fred A.....	.9574
Knapp Packing Co., John C.....	.5740
MacDonald Fruit Co.....	.1157
Orange Belt Fruit Distributors.....	1.9763
Panno Fruit Co., Carlo.....	.0445
Paramount Citrus Association, Inc.....	.3189
Placentia Orchard Co.....	.0839
Prescott, John A.....	.0077
Riverside Citrus Association.....	.2227
Ronald, P. W.....	.0348
Summit Citrus Packers.....	.0466
Wall, E. T., Grower-Shipper.....	1.9884
Western Fruit Growers, Inc.....	3.5092

Prorate District No. 3

Total.....100.0000

Allen & Allen Citrus Packing Co.....	1.4575
Consolidated Citrus Growers.....	12.0274
McKellips Citrus Co., Inc.....	6.1297
Phoenix Citrus Packing Co.....	1.8479

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Arizona Citrus Growers.....	15.8751
Chandler Heights Citrus Growers.....	2.6254
Desert Citrus Growers Co.....	5.3317
Mesa Citrus Growers Association.....	25.2089
Tal'-Wi-Wi Ranches.....	.8193
Tempe Citrus Co.....	1.8002
Yuma Mesa Fruit Growers Association.....	.3672
Leppia Henry Produce Co.....	10.9838
Maricopa Citrus Co.....	1.8123
Pioneer Fruit Co.....	3.9212
Champion Produce Co., L. M.....	.1518
Clark & Sons, J. H.....	.4003
Commercial Citrus Packing Co.....	1.1646
Hi Jolly Citrus Packing Co.....	.7576
Ishikawa, Paul.....	.2730
Macchiarelli Fruit Co., James.....	.9223
Mattingly Fruit Co.....	1.0631
Potato House, The.....	.5077
Sunny Valley Citrus Packing Co.....	1.0698
Valley Citrus Packing Co.....	2.4001

[F. R. Doc. 50-11940; Filed, Dec. 15, 1950; 11:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5689]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENTLEY STORES CORP. ET AL.

Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 3.290 Aiding, assisting and abetting unfair or unlawful act or practice.

Subpart—Misrepresenting oneself and goods; Business status, advantages or connections: § 3.1490 Nature in general.

Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 3.2080 Terms and conditions.

Subpart—Using misleading name; Vendor: § 3.2425 Nature, in general. I. In connection with the use in commerce, of double reply postal cards, or any other printed or written material of a substantially similar nature, and on the part of respondent Bentley Stores Corp., its officers, etc., and on the part of respondents William S. Schneer, Harry H. Fisher, William S. Feldman, and Gus G. Fisher, individually, and their respective agents, etc., (1) using the name "Rapid X Forwarding System," or any other word or words of similar import, to designate, describe or refer to respondent's business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods to the proper recipients thereof, or that they maintain an unclaimed package department; (2) representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards or other material are, or may be, consignees of goods or packages, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages to such persons; (3)

using the name "Novelty Distributors Company," or any other name of similar import, to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents are engaged in the business of selling, advertising or promoting pens; (4) using post cards or other material which represents, directly or by implication, that such cards or other material are for the purpose of introducing pens or any other merchandise to the public; (5) using the name "Recording Service," or any other name of similar import, to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents are engaged in operating an employment service or bureau, or that specified or named customers or delinquent debtors of respondents have made application to respondents unless it is clearly stated what application has been made for and unless such application has, in fact, been made and has not been acted upon; or, (6) using post cards or other material which represents, directly or by implication, that respondents' business is other than that of the retailing of clothing and shoes; and, II, in connection with the use in commerce, of double reply post cards, or any other printed material of a substantially similar nature, and on the part of respondent Florence Weinberg (office manager of and bookkeeper for respondent Bentley Stores Corporation), using or permitting the use of the names Rapid X Forwarding System, Novelty Distributors Company and Recording Service, registered in her name as fictitious names under New York law, in the course and conduct of business by Bentley Stores Corporation, its officers, directors, employees or representatives; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 46) [Cease and desist order, Bentley Stores Corporation et al., Docket 5689, Oct. 16, 1950]

This proceeding was heard by Frank H. trial examiner theretofore designated by the Federal Trade Commission for that purpose, upon the complaint of the Commission, answers dictated at the first of two hearings by counsel for all respondents, on the transcript of the hearing, and testimony and other evidence in support of and in opposition to the allegations of said complaint, which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner upon the complaint, answer thereto, testimony and other evidence; and said trial examiner, having duly considered the record in the matter and having found that said proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, and conclusion drawn therefrom, and order to cease and desist, and order of dismissal without prejudice as to respondent Franklin Jewelry Company, Inc., and as to respondent George Kantor individually and as vice president thereof.

No appeal having been filed from said initial decision of said trial examiner

as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, and said order of dismissal, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 16, 1950.

The said order to cease and desist is as follows:

It is ordered, That respondents Bentley Stores Corporation, a corporation, its officers, employees and representatives, and William S. Schner, Harry H. Fisher, William S. Feldman, and Gus G. Fisher, individually, and their respective agents and employees, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of double reply postal cards, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the name "Rapid X Forwarding System," or any other word or words of similar import, to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that respondents are connected with or in the business of transporting or delivering goods to the proper recipients thereof, or that they maintain an unclaimed package department.

2. Representing, directly or by implication, that persons concerning whom information is sought through respondents' post cards or other material are, or may be, consignees of goods or packages, prepaid or otherwise, in the hands of respondents, or that the information sought through such means is for the purpose of enabling respondents to make delivery of goods or packages to such persons.

3. Using the name "Novelty Distributors Company," or any other name of similar import, to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents are engaged in the business of selling, advertising or promoting pens.

4. Using post cards or other material which represents, directly or by implication, that such cards or other material are for the purpose of introducing pens or any other merchandise to the public.

5. Using the name "Recording Service," or any other name of similar import, to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents are engaged in operating an employment service or bureau, or that specified or named customers or delinquent debtors of respondents have made application to respondents unless it is clearly stated what application has been made for and unless such application has, in fact, been made and has not been acted upon.

6. Using post cards or other material which represents, directly or by implication, that respondents' business is other than that of the retailing of clothing and shoes.

It is further ordered, That respondent Florence Weinberg, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of double reply post cards, or any other printed material of a substantially similar nature, do forthwith cease and desist from using or permitting the use of the names Rapid X Forwarding System, Novelty Distributors Company and Recording Service, registered in her name as fictitious names under New York law, in the course and conduct of business by Bentley Stores Corporation, its officers, directors, employees or representatives.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed without prejudice as to respondent Franklin Jewelry Company, Inc., and as to respondent George Kantor, individually and as vice president thereof.

By "Decision of the Commission and order to File Report of Compliance," Docket 5689, October 16, 1950, which announced fruition of said initial decision, report of compliance with said order to cease and desist was required as follows:

It is ordered, That the corporate respondent Bentley Stores Corporation and the individual respondents William S. Schner, Harry H. Fisher, William S. Feldman, Gus G. Fisher, and Florence Weinberg shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 16, 1950.

By the Commission.

[SEAL]

D. C. DANIEL,
Secretary.

[F. R. Doc. 50-11745; Filed, Dec. 15, 1950; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

SECURITIES EXEMPTED

The Securities and Exchange Commission, acting pursuant to authority vested in it by the Securities Act of 1933, particularly sections 3 (b) and 19 (a), and finding such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the act, hereby amends its rules as follows:

1. Section 230.220 (Rule 220) is amended by the addition of the following new paragraph (i):

§ 230.220 Securities exempted. . . .

(i) Where securities having a determinable market value are offered through rights or warrants, the offering price of the securities shall be deemed to be either their market value as determined

from transactions or quotations on a specified date within 15 days prior to the filing of the letter of notification or the price to be received by the offeror, whichever is higher, and no separate consideration shall be given to any sale of the rights or warrants by any person.

2. Section 230.222 (Rule 222) is amended by adding the following at the end of subparagraph (2) of paragraph (a):

§ 230.222 Letter of notification. (a)

(2) * * * Where securities are to be offered through rights or warrants having a determinable market value, compute the offering price as provided in § 230.220 (i) and state both the market value and the amount to be received by the offeror.

The foregoing action shall be effective January 8, 1951.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77a)

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

DECEMBER 5, 1950.

[F. R. Doc. 50-11734; Filed, Dec. 15, 1950;
8:46 a. m.]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENT OF THE COMMISSION WITH RESPECT TO CERTAIN EXEMPTED SECURITIES

§ 231.3399 Statement of the Commission relating to paragraph (i) to § 230.220. The Commission is adding a new paragraph (i) to § 230.220 (Rule 220). This paragraph provides generally that, for the purposes of Regulation A, the offering price of securities offered through rights or warrants shall be either (1) their market value as determined prior to the filing of the letter of notification or (2) the price to be received by the offeror, whichever is higher, and that no separate consideration shall be given to any sale of the rights or warrants by any person.

Where additional shares of an outstanding class are to be offered through rights, it will normally be appropriate for the person preparing the letter of notification simply to set forth the current market value of the outstanding shares of the class to be offered. However, if it can be demonstrated that the offering will result in a dilution of the value of the outstanding shares, it will be permissible for the person filing the letter of notification to compute the dilution and to base the computation of market value of the offered securities on the diluted value.

Where the market value of securities to be offered through rights or warrants cannot be determined prior to the offering, the new provisions that have been added to the rule will not be applicable. In such cases, the application of the

price limitations of paragraphs (a), (b), and (d) will turn on the take-down price, the amount received by controlling persons who sell their rights, and, if there are any underwriters, any amounts received from the public by such underwriters.

[Securities Exchange Act release No. 3399, December 6, 1950]

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-11848; Filed, Dec. 15, 1950;
8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52626]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE

PART 22—DRAWBACK

PART 25—CUSTOMS BONDS

MISCELLANEOUS AMENDMENTS

In order to conform to the amendments of paragraphs 391 and 393, Tariff Act of 1930, by Public Law 444, approved February 8, 1950, Part 19 of the Customs Regulations of 1943 (19 CFR Part 19), is hereby amended as follows:

1. a. In the third sentence of § 19.18 "tin," is inserted immediately before "or silver ores" and "tin," is inserted immediately before "and copper ores".

b. In the last clause of § 19.21 (c) "tin," is inserted immediately before "or copper ores" and "tin," is inserted immediately before "or silver ores".

c. In the last sentence of § 19.21 (e) "tin," is inserted immediately before "or copper ores" and "tin," is inserted immediately before "or silver ores".

d. In the last sentence of § 19.22 "tin," is inserted immediately before "or copper ores" and "tin," is inserted immediately before "or silver ores".

e. In the last sentence of § 19.26 "tin," is inserted immediately before "or silver ores" and "copper or lead ore" is changed to "lead, tin, or copper ores".

(Interprets or applies pars. 391, 393, 46 Stat. 628, as amended; sec. 312, 46 Stat. 692; 19 U. S. C. 1001, 1312)

(R. S. 351, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

2. So that a complete record of the exportation of merchandise not conforming to sample or specification, upon which drawback is to be claimed under section 313 (c), Tariff Act of 1930, may appear upon the original of customs Form 7537, the first sentence of § 22.37 (a), Customs Regulations of 1943 (19 CFR 22.37 (a)), is amended by changing "the duplicate" to "the original".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1313)

3. To conform to the regulations of the Bureau of the Census, Department of Commerce, relating to foreign-trade statistics, § 25.4 (a) (6) and (7), Customs Regulations of 1943, as amended (19 CFR

25.4 (a) (6), (7)), are amended by deleting "or Mexico by car, vehicle, or ferry" and by inserting in lieu thereof "by rail" in each of these subparagraphs.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies sec. 623, 46 Stat. 759, as amended, R. S. 4197, 4200; 19 U. S. C. 1623, 46 U. S. C. 91, 92)

[SEAL]

FRANK DOW,
Commissioner of Customs.

Approved: December 12, 1950.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 50-11758; Filed, Dec. 15, 1950;
8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 2082, 5954, 7180, 7359) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 534, 1073, 1460, 2082, 4172, 4547, 4976, 5333, 5629, 6571, 7180) are amended as indicated below:

1. Section 141.1 (e), (f), and (h) is amended by changing the figure "37° C." to read "32° C.-35° C.", wherever it appears.

2. Section 141.2 (b) is amended by changing the figure "37° C." to read "32° C.-35° C.".

3. Section 141.11 (b) is amended by changing the figure "37° C." to read "32° C.-35° C.".

4. Section 141.101 (f), (h), and (j) is amended by changing the figure "37° C." to read "32° C.-35° C.", wherever it appears.

5. Section 141.102 (b) is amended by changing the figure "37° C." to read "32° C.-35° C.".

6. Section 141.108 (c) (2) is amended by changing the figure "37° C." to read "32° C.-35° C.".

7. The headnote of § 141.109 is changed and paragraph (a) is amended to read as follows:

§ 141.109 Streptomycin tablets, dihydrostreptomycin tablets—(a) Potency—(1) Streptomycin content. Using 12 tablets, proceed as directed in § 141.101, except paragraph (k) of that section. The average potency of streptomycin tablets is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

¹ See F. R. Doc. 50-11734, *supra*.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1), of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. The average potency of dihydrostreptomycin tablets is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

8. Section 141.111 is amended to read as follows:

§ 141.111 *Streptomycin sulfate solution, dihydrostreptomycin sulfate solution, crystalline dihydrostreptomycin sulfate solution.* Proceed as directed in §§ 141.101, 141.102, 141.103, 141.104, 141.105, and 141.106 (b), if it is streptomycin sulfate solution. If it is dihydrostreptomycin sulfate solution or crystalline dihydrostreptomycin sulfate solution, proceed as directed in § 141.103.

9. Section 141.112 (b) (1) (v) is amended by changing the figure "37° C." to read "32° C.-35° C."

10. Section 141.201 (a) (7) and (8) (i), (ii), and (iii) is amended by changing the figure "37° C." to read "32° C.-35° C.", wherever it appears.

11. Section 141.301 (a) (7) is amended by changing the figure "37° C." to read "32° C.-35° C."

12. Section 141.401 (a) (1) (iv) and (2) (iii) and (b) (2) are amended by changing the figure "37° C." to read "32° C.-35° C."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

13a. Section 146.1 (f) is amended to read as follows:

§ 146.1 *Definitions and interpretations.* * * *

(f) The term "penicillin G master standard" means a specific lot of crystalline sodium penicillin G (sodium penicillin II), which is designated by the Commissioner as the standard of comparison in determining the potency of the penicillin G working standards. The term "penicillin O master standard" means a specific lot of crystalline potassium penicillin O which is designated by the Commissioner as the standard of comparison in determining the penicillin O content and the penicillin G content of the penicillin O working standard.

b. In § 146.1 (n), the first clause of the first sentence is changed, a new clause is inserted thereafter, and the entire second sentence is amended, as follows:

(n) The term "penicillin G working standard" means a specific lot of a homogeneous preparation of one or more salts of penicillin G; the term "penicillin O working standard" means a specific lot of a homogeneous preparation of potassium penicillin O: * * * The potency or purity of each preparation has been determined by comparison with its master standard, and each has been designated by the Commissioner as working standards for use in determining the potency or purity of drugs subject to the regulations in this part.

14. Section 146.26 (c) (1) (iii) and (2) (i) is amended to read as follows:

§ 146.26 *Penicillin ointment.* * * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date" the blank being filled in with the date which is not more than 12 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

(2) * * *

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)" unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature, but in no case shall such statement be required if it is labeled with an expiration date which is 9 months after the month during which the batch was certified;

15. In § 146.27 *Penicillin tablets*, the third sentence of paragraph (a) *Standards of identity*, * * * is amended by changing the period at the end thereof to a comma and adding the words "except if it contains procaine penicillin its moisture content is not more than 2.0 percent."

16. Section 146.32 (c) (1) (ii), second sentence, is amended by changing the figure "12" to read "18".

17. In § 146.51 *Buffered penicillin powder*, the second sentence of paragraph (a) *Standards of identity*, * * * is amended by changing the period at the end thereof to a comma and adding the words "except if it contains procaine penicillin its moisture content is not more than 2.0 percent."

18. The headnote of § 146.54 is amended to read as follows:

§ 146.54 *Penicillin-streptomycin ointment (penicillin-streptomycin mineral oil suspension), penicillin-dihydrostreptomycin ointment (penicillin-dihydrostreptomycin mineral oil suspension).*

19. In § 146.58 *Penicillin and streptomycin*, * * *, the second sentence of paragraph (b) *Packaging*, is amended by changing the words "1 gm. of streptomycin or dihydrostreptomycin" to read "not less than 0.5 gm. of streptomycin or dihydrostreptomycin".

20a. In § 146.104, the headnote and paragraph (a) are amended to read as follows:

§ 146.104 *Streptomycin tablets, dihydrostreptomycin tablets—(a) Standards of identity, strength, quality, and purity.* Streptomycin tablets and dihydrostreptomycin tablets are streptomycin or dihydrostreptomycin tableted with or without glucuronolactone and with or without the addition of one or more suitable and harmless diluents, binders,

lubricants, colorings, and flavorings. The potency of each tablet is not less than 100 mg. Its moisture content is not more than 3 percent. The streptomycin used conforms to the standards prescribed therefor by § 146.101 (a), except subparagraphs (2) and (4) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146.103, except the standards for sterility and pyrogens. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Section 146.104 (b), (c), (d), and (e) is amended by inserting the words "or dihydrostreptomycin" after the word "streptomycin", wherever it appears.

c. Section 146.104 (d) (2) (ii) is amended to read as follows:

(d) *Request for certification; samples.* * * *

(2) * * *

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, histamine content, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

21a. In § 146.106, the headnote and paragraph (a) are amended to read as follows:

§ 146.106 *Streptomycin sulfate solution, dihydrostreptomycin sulfate solution (crystalline dihydrostreptomycin sulfate solution)—(a) Standards of identity, strength, quality, and purity.* Streptomycin sulfate solution is an aqueous solution of streptomycin sulfate. Dihydrostreptomycin sulfate solution is an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution conforms to all standards prescribed by § 146.101 for streptomycin sulfate or § 146.103 for dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate, except the limitation on moisture content, and except that:

b. In § 146.106, subparagraph (1) of paragraph (d) *Request for certification; samples* is amended by deleting the words "of dihydrostreptomycin sulfate solution".

c. Section 146.106 (d) (2) (i) is amended to read as follows:

(i) The batch; potency, sterility, toxicity, pyrogens, histamine content, pH, and streptomycin content, if it is dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

This order, which provides for a master standard and a working standard for penicillin O; an expiration date of 18 months for penicillin ointment that has been shown to be stable for such period of time; changes in the moisture limitations for procaine penicillin tablets and for buffered penicillin powder from 1 percent to 2 percent; a change in the expiration date of a dry mixture of penicillin with vasoconstrictor from 12 to 18

months; a change in the headnote of penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment that permits the optional use of the names penicillin-streptomycin mineral oil suspension or penicillin-dihydrostreptomycin mineral oil suspension; a change in the quantity of streptomycin or dihydrostreptomycin that shall be contained in penicillin and streptomycin or penicillin and dihydrostreptomycin from 1.0 gm. to not less than 0.5 gm.; certification of dihydrostreptomycin tablets; certification of streptomycin sulfate solution; and changes the incubation temperature in the tests and methods of assay from 37° C. to 32° C.-35° C., shall become effective upon publication in the FEDERAL REGISTER since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for a master standard and a working standard for penicillin O; an expiration date of 18 months for penicillin ointment that has been shown to be stable for such period of time; changes in the moisture limitations for procaine penicillin tablets and for buffered penicillin powder from 1 percent to 2 percent; a change in the expiration date of a dry mixture of penicillin with vasoconstrictor from 12 to 18 months; a change in the headnote of penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment that permits the optional use of the names penicillin-streptomycin mineral oil suspension or penicillin-dihydro-

streptomycin mineral oil suspension; a change in the quantity of streptomycin or dihydrostreptomycin that shall be contained in penicillin and streptomycin or penicillin and dihydrostreptomycin from 1.0 gm. to not less than 0.5 gm.; certification of dihydrostreptomycin tablets; certification of streptomycin sulfate solution; and changes the incubation temperature in the tests and methods of assay from 37° C. to 32° C.-35° C.

Dated: December 12, 1950.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-11744; Filed, Dec. 15, 1950;
8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 324]

[Controlled Rooms in Rooming Houses and
Other Establishments Rent Reg., Amdt.
320]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 324 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 320 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

A. The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuation of rent control after Dec. 31, 1950
(150a) Mankato.....	Minnesota.....	In Nicollet County, the city of North Mankato.
(58) Key West.....	Florida.....	In Monroe County, the city of Key West and all unincorporated localities.
(67a) Mount Vernon.....	Indiana.....	In Posey County, the city of Mount Vernon.

This adds to Schedule C (1) the City of North Mankato, Minnesota, as of October 2, 1950, (2) the City of Mt. Vernon, Indiana, as of November 20, 1950, and (3) the City of Key West, Florida, and all unincorporated localities in the Defense-Rental Area, said City of Key West being the major portion of the Defense-Rental Area, as of November 20, 1950.

B. In Schedule C, the description of localities affected by declarations for continuation of rent control after December 31, 1950 is amended with respect to certain Defense-Rental Areas to read as follows:

1. (47) Bridgeport, Connecticut, Defense-Rental Area:

In Fairfield County, the City of Bridgeport, the Town of Stratford, and all unincorporated localities, if any, in the Towns of Easton, Fairfield, Trumbull and Westport.

In the remainder of Fairfield County, the City of Stamford, the Town of Greenwich, and all unincorporated localities.

This adds to Schedule C the Town of Stratford, Connecticut, as of November 13, 1950.

2. (48) Hartford-New Britain, Connecticut, Defense-Rental Area:

In Hartford County, the Cities of Bristol, Hartford and New Britain, the Towns of East Hartford, Wethersfield and Windsor, and all unincorporated localities, if any, in the Towns of Berlin, Bloomfield, East Windsor, Farmington, Glastonbury, Manchester, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford and Windsor Locks; in Middlesex County, all unincorporated localities, if any, in the Towns of Cromwell, Middlefield and Portland; in New Haven County, the City of Meriden, the Borough of Wallingford, and all unincorporated localities, if any, in the Town of Wallingford; and in Tolland County, all unincorporated localities, if any, in the Town of Vernon.

In the remainder of Hartford County, the Town of Simsbury, and all unincorporated localities, if any, in the remainder of Middlesex County, the Town of East Haddam and all unincorporated localities, if any; and in the remainder of Tolland County, all unincorporated localities, if any.

This adds to Schedule C the Town of Simsbury, Connecticut, as of November 21, 1950.

3. (50) New London, Connecticut, Defense-Rental Area:

In New London County, the City of New London, the Borough of Jewett City, and

the Towns of Griswold, Groton, and Stonington.

This adds to Schedule C the Borough of Jewett City, Connecticut, as of November 13, 1950.

4. (53) Delaware Defense-Rental Area:

In that portion of New Castle County which is north of the Chesapeake and Delaware Canal, the Cities of New Castle and Wilmington and all unincorporated localities.

This adds to Schedule C the City of New Castle, Delaware, as of November 14, 1950.

5. (83) Chicago, Illinois, Defense-Rental Area:

In Cook County, the Cities of Berwyn, Calumet City, Chicago, and Evanston, the Villages of Arlington Heights, Bedford Park, Bellwood, Forest Park, Glencoe, Justice, Morton Grove, Niles, North Riverside, Oak Park, Park Forest, Riverside, Schiller Park, Skokie, and Summit, and all unincorporated localities; in Du Page County, the Village of Lombard and all unincorporated localities; in Kane County, the City of Aurora, and all unincorporated localities; and in Lake County, the Cities of Highwood and Waukegan, the Villages of Antioch, Libertyville, and Winthrop Harbor, and all unincorporated localities.

This adds to Schedule C the Village of Skokie, Illinois, as of August 15, 1950.

6. (100) Evansville-Henderson, Indiana, Defense-Rental Area:

In Vanderburgh County, the City of Evansville and all unincorporated localities.

In Henderson County, the City of Henderson and all unincorporated localities.

This adds to Schedule C the City of Henderson, Kentucky, as of November 13, 1950.

7. (108) South Bend, Indiana, Defense-Rental Area:

In Saint Joseph County, the City of Mishawaka and the Town of New Carlisle.

This adds to Schedule C the Town of New Carlisle, Indiana, as of November 6, 1950.

8. (131) Lake Charles, Louisiana, Defense-Rental Area:

In Calcasieu Parish, the Cities of De Quincy and Lake Charles, the Towns of Vinton and Westlake, and all unincorporated localities.

This adds to Schedule C the Town of Westlake, Louisiana, as of November 22, 1950.

9. (137) Portland, Maine, Defense-Rental Area:

In Androscoggin County, the Cities of Auburn and Lewiston; and in Cumberland County, the City of Portland and all unincorporated localities, if any, in the Town of Cape Elizabeth.

In York County, the City of Biddeford, the Town of Kittery, and all unincorporated localities, if any, in the Town of Sanford (including the communities of Sanford and Springvale).

This adds to Schedule C the Town of Kittery, Maine, as of November 10, 1950.

10. (158c) Albert-Lea-Paribault, Minnesota, Defense-Rental Area:

In Freeborn County, the City of Albert Lea; and in Steele County, the City of Owatonna.

This adds to Schedule C the City of Owatonna, Minnesota, as of November 21, 1950.

11. (174) St. Louis, Missouri, Defense-Rental Area:

The City of St. Louis; in Jefferson County, all unincorporated localities; in St. Charles County, the City of St. Charles and all un-

Incorporated localities; and in St. Louis County, the Cities of Brentwood, Clayton, Maplewood, Richmond Heights, University City, Webster Groves and Wellston, and all unincorporated localities.

In Madison County, the City of Madison and all unincorporated localities; and in St. Clair County, the City of East St. Louis, the Villages of Duplo, New Athens and Swansea, and all unincorporated localities.

This adds to Schedule C the Cities of Webster Groves, Missouri, as of October 23, 1950, and Wellston, Missouri, as of November 20, 1950.

12. (190) Northeastern New Jersey Defense-Rental Area:

In Bergen County, the City of North Arlington, the Boroughs of Bergenfield, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, Harrington Park, Lodi, Palisades Park, Teterboro and Wood-Ridge, the Village of Ridgefield Park, the Township of Teaneck and all unincorporated localities.

In Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities.

In Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.

In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Helmetta, Highland Park, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway and Raritan, and all unincorporated localities.

In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.

In Morris County, the Boroughs of Riverdale and Wharton, the Towns of Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorporated localities.

In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.

In Somerset County, the Boroughs of Raritan and Somerville, the Township of Hillsborough, and all unincorporated localities.

In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway and Summit, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Cranford, Hillside and Union, and all unincorporated localities.

This adds to Schedule C the following localities in the State of New Jersey:

- (1) Borough of East Paterson, as of October 3, 1950.
- (2) Borough of Englishtown, as of November 13, 1950.
- (3) City of Summit, as of November 21, 1950.
- (4) Township of Weehawken, as of November 24, 1950.
- (5) Borough of Dumont and Village of Ridgefield Park, as of November 28, 1950.

13. (191) Trenton, New Jersey, Defense-Rental Area:

In Hunterdon County, the City of Lambertville, the Borough of Frenchtown, the Township of Readington, and all unincorporated localities; in Mercer County, the City of Trenton, the Townships of Ewing and Hamilton, and all unincorporated localities; and in Warren County (exclusive of the Townships of Pahaquarry, Hardwick and Frelinghausen), the Town of Hackettstown and all unincorporated localities.

This adds to Schedule C the Township of Readington, New Jersey, as of November 15, 1950.

14. (229) Columbus, Ohio, Defense-Rental Area:

In Franklin County, the Cities of Columbus and Grandview Heights and all unincorporated localities.

In Licking County, the City of Newark and all unincorporated localities, if any, in the Townships of Madison and Newark.

This adds to Schedule C the City of Columbus, Ohio, as of November 29, 1950, and all unincorporated localities in the Defense-Rental Area, as of the same date, declarations having been made by incorporated localities constituting the major portion of the Defense-Rental Area.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 13th day of December 1950.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 50-11756; Filed, Dec. 15, 1950;
8:49 a. m.]

[Controlled Housing Rent Reg., Amdt. 325]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 321]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OHIO, PENNSYLVANIA, WEST VIRGINIA,
ALASKA, AND PUERTO RICO

Amendment 325 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 321 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

In Schedule C of said Rent Regulations, the description of localities affected by declarations for continuance of rent control after December 31, 1950, is amended with respect to certain Defense-Rental Areas to read as follows:

1. (230) Dayton, Ohio, Defense-Rental Area:

In Montgomery County, the City of Miamisburg and the Village of Brookville.

This adds to Schedule C the City of Miamisburg, Ohio, as of November 20, 1950.

2. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area:

In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Snyder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Ebensburg, Franklin, Nanty-Glo and Scalp Level, and all unincorporated localities; and in Somerset County, the Boroughs of Garrett, Hooversville, Meyersdale and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the Boroughs of Franklin, Pennsylvania, as of Novem-

ber 1, 1950, and Ebensburg, Pennsylvania, as of November 27, 1950.

3. (266) Philadelphia, Pennsylvania, Defense-Rental Area:

In Bucks County, the Borough of Bristol and all unincorporated localities; in Chester County, all unincorporated localities; in Delaware County (exclusive of the Borough of Swarthmore), the Boroughs of Folcroft, Millbourne and Norwood, the Township of Ridley, and all unincorporated localities, including Upper Darby Township; in Montgomery County, the Boroughs of Conshohocken and Pottstown and all unincorporated localities; and the County and City of Philadelphia.

This adds to Schedule C the Borough of Norwood, Pennsylvania, as of November 10, 1950, and the Boroughs of Bristol and Folcroft, Pennsylvania, as of November 13, 1950.

4. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Braddock, Braddock Hills, Bridgeville, Carnegie, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Glassport, Homestead, Leetsdale, Liberty, McKees Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Homestead, West Mifflin and Wilmerding, the Townships of Leet, Neville, Reserve, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City and Kittanning, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppel, Midland and Monaca, the Township of Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the Boroughs of Bentleyville, Burgettstown, Canonsburg, Charleroi, Donora, New Eagle, North Charleroi, Roscoe and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, South Greensburg and Southwest Greensburg, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the following localities in the State of Pennsylvania:

- (1) City of Connellsville, as of October 16, 1950.
- (2) Borough of Charleroi, as of October 10, 1950.
- (3) Boroughs of Ford City and South Greensburg, as of November 6, 1950.
- (4) Boroughs of Freedom, Leetsdale and Southwest Greensburg, as of November 13, 1950.
- (5) Borough of Koppel, as of November 21, 1950.

(6) All unincorporated localities in the Defense-Rental Area, as of November 13, 1950, declarations having been made by incorporated localities constituting the major portion of the Defense-Rental Area.

5. (270) Sharon-Farrell, Pennsylvania, Defense-Rental Area:

In Mercer County, the Cities of Farrell and Sharon, the Boroughs of Stoneboro and Wheatland, and all unincorporated localities.

This adds to Schedule C the Borough of Wheatland, Pennsylvania, as of November 13, 1950.

6. (272) Williamsport, Pennsylvania, Defense-Rental Area:

In Lycoming County, the City of Williamsport and all unincorporated localities, if any, in the Townships of Armstrong, Loyalsock and Old Lycoming.

In Columbia County, all unincorporated localities, if any, in the Township of Scott, and the Town of Bloomsburg; in Northumberland County, the City of Sunbury, and all unincorporated localities, if any, in the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, all unincorporated localities, if any, in the Townships of Monroe and Penn; and in Union County, the Borough of Lewisburg and all unincorporated localities, if any, in the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Borough of Renova, and all unincorporated localities, if any, in the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne and Woodward.

This adds to Schedule C the Borough of Renova, Pennsylvania, as of November 8, 1950.

7. (354b) Bluefield, West Virginia, Defense-Rental Area:

In Mercer County, the Towns of Athens, Bramwell and Matoaka.

In McDowell County, the Towns of Davy, Ineger, Kimball, Northfork and War; and in Raleigh County, the Towns of Mabscott, Rhodell and Sophia.

This adds to Schedule C the Town of War, West Virginia, as of November 21, 1950, and the Town of Bramwell, West Virginia, as of November 27, 1950.

8. (370) Alaska Defense-Rental Area: In the Territory of Alaska, the City of Juneau and the Town of Petersburg.

This adds to Schedule C the City of Juneau, Alaska, as of November 17, 1950.

9. (371) Puerto Rico Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Albonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Cabo Rojo, Caguas Camuy, Carolina, Catano, Cayey, Ciales, Cidra, Coamo, Comerio, Corozal, Fajardo, Guayama, Gueyanilla, Hatillo, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Las Marias, Loiza, Luquillo, Manati, Mayaguez, Moca, Naguabo, Naranjito, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba and Yauco.

This adds to Schedule C the following municipalities in Puerto Rico:

- (1) Yauco, as of September 15, 1950.
- (2) Rio Grande, as of October 20, 1950.
- (3) Ciales, as of November 16, 1950.
- (4) Vega Alta, as of November 23, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with

section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 13th day of December 1950.

ED DUPREE,

Acting Housing Expediter.

[F. R. Doc. 50-11757; Filed Dec. 15, 1950; 8:49 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

1. Effective July 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Porto Alegre, Brazil:				
Deleted from Class IV.....	\$3.00	\$0.75	\$3.75	\$7.00
And placed in Class VIII.....	3.75	1.50	5.25	8.00

2. Effective November 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Add Special Class H.....	\$18.00	\$10.50	\$28.50	\$45.00
Poland:				
Deleted from Class XV.....	7.50	3.50	11.00	15.00
And placed in Special Class H.....	18.00	10.50	28.50	45.00
Ethiopia:				
Deleted from Class V.....	3.00	1.00	4.00	7.00
And placed in Class II.....	2.55	2.50	5.05	8.00

3. Effective December 1, 1950, Appendix A is amended as follows:

	Subsistence	Quarters	Total	Travel
Add Class XXVII.....	\$3.75	\$5.25	\$9.00	\$10.00
Indonesia:				
Deleted from Class XXII.....	2.55	1.50	4.05	9.00
And placed in Class VIII.....	3.75	1.50	5.25	8.00
French Indo-China:				
Deleted from Class VIII.....	3.75	1.50	5.25	8.00
And placed in Class XVI.....	6.00	3.00	9.00	12.00
Dominion Republic:				
Deleted from Class IX.....	3.75	2.00	5.75	9.00
And placed in Class X.....	3.75	3.00	6.75	10.00
Bolivia:				
Deleted from Class I.....	None	None	None	7.00
And placed in Class XVII.....	None	1.75	1.75	7.00
Greece (Athens only):				
Deleted from Class XIV.....	6.00	1.50	7.50	10.00
And placed in Class XXVII.....	3.75	5.25	9.00	10.00

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Date: December 6, 1950.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: December 12, 1950.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 50-11726; Filed, Dec. 15, 1950; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MISCELLANEOUS AMENDMENTS

Sections 577.19 and 577.20 are revised to read as follows:

§ 577.19 *Civilian hospital employees—*
(a) *General.* The employment of civilians is authorized in annual appropriations "Medical and Hospital Department, Army" under regulations prescribed by the Secretary of the Army.

(b) *Qualifications.* Qualifications of civilian employees are prescribed by the Civil Service Commission in accordance with the Civil Service Act and rules.

(c) *Subsistence and quarters.* Subsistence and quarters may be furnished civilian employees in accordance with, and at the rates prescribed by current Department of the Army Civilian Personnel Regulations.

§ 577.20 *Hospital laundry service—*

(a) *General.* Laundry service of the items enumerated below will be furnished at Government expense unless otherwise indicated.

(1) Linen, clothing, and bedding belonging to the Army Medical Service.

(2) Government-owned white uniforms, coats, and trousers.

(3) Bulk linen and bedding of enlisted personnel assigned or attached to, or on duty at, the medical treatment facility.

(4) Washable uniforms, coveralls, and work suits of civilian hospital employees when deemed necessary by the commanding officer for the maintenance of sanitary standards.

(5) Diapers and other linens of infant patients.

(6) Within the limits of available Government laundry facilities, personal laundry service for the staff and related medical organizations, detachments at the hospitals, and medical personnel at nearby stations, including staffs and detachments of numbered medical units when attached for administration or training, chargeable at rates prescribed by The Quartermaster General.

(b) *Purchase of laundry service from commercial sources.* When laundry service cannot be procured from Army-owned and operated laundries and is not obtainable from Quartermaster Corps fixed laundries, army or overseas commanders will make necessary arrangements for contract commercial laundry service.

[AR 40-610, Dec. 1, 1950] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 50-11746; Filed, Dec. 15, 1950; 8:48 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

TRANSFER AND REVISION OF REGULATIONS

1. The material contained in Subchapter H of this chapter is hereby rescinded. Subchapter H is reserved.

2. Subchapter J of this chapter is hereby added as follows:

Part

- 1000. General provisions.
- 1001. Procurement by formal advertising.
- 1002. Procurement by negotiation.
- 1003. Coordinated procurement.
- 1004. Interdepartmental procurement.
- 1005. Foreign purchases.

PART 1000—GENERAL PROVISIONS

Sec.

- 1000.1 Report of profit under the Vinson-Trammell Act.

SUBPART A—INTRODUCTION

- 1000.101 Purpose.
- 1000.102 Applicability of procedures.
- 1000.103 Effective date of procurement procedures.
- 1000.104 Arrangement of procurement procedures.
- 1000.108 Procuring activity instructions.
- 1000.109 Deviations from Armed Services Procurement Regulation and the Air Force Procurement Procedures.
- 1000.110 Administration and interpretation.
- 1000.112 Periodic reports of purchases and contracts.
- 1000.113 Reports of suspected criminal conduct.

SUBPART B—DEFINITION OF TERMS

- 1000.201 Definitions.

SUBPART C—BASIC POLICIES

- 1000.301 Centralized purchase activities at Air Force installations.
- 1000.302 Small business concerns.
- 1000.303 Ineligible contractors and disqualified bidders.
- 1000.304 Specifications.
- 1000.305 Conduct of procurement personnel.
- 1000.306 Hospitalization and medical care for contractor's employees at overseas installations.
- 1000.307 Neutrality Act (International Traffic in Arms).
- 1000.308 Robinson-Patman Act.

SUBPART D—PROCUREMENT RESPONSIBILITY AND AUTHORITY

- 1000.401 Responsibility of each procuring activity.
- 1000.402 General authority of contracting officers.
- 1000.403 Purchase activities at Air Force installations.
- 1000.404 Representatives of contracting officers.
- 1000.405 Requirements to be met before entering into contracts.
- 1000.406 Responsibility for insuring the availability of funds.

SUBPART E—CONSTRUCTION, MAINTENANCE, AND REPAIR

- 1000.500 Scope.
- 1000.501 Definitions.
- 1000.502 Responsibility.
- 1000.503 Authorization.
- 1000.504 Formal advertising to be used.

SUBPART F—CONTRACTS, GENERAL

- 1000.601 Scope.
- 1000.602 Definitions.

Sec.

- 1000.603 Documentary evidence of purchases.
- 1000.604 Execution of contracts, requirements.
- 1000.605 Consent of sureties to modifications.
- 1000.606 Numbering of contracts.
- 1000.607 Distribution.

SUBPART G—CONTRACTING AUTHORITY OUTSIDE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS; CONSTRUCTION WORK OUTSIDE CONTINENTAL UNITED STATES

- 1000.700 Scope.
- 1000.701 Basic law.
- 1000.702 Procurement regulations and procurement procedures.
- 1000.703 Policy in general.
- 1000.704 Appointment of contracting officers.
- 1000.705 Delegation of authority.
- 1000.706 Government and relief in occupied areas.
- 1000.707 Prohibitions.
- 1000.708 Contract forms and clauses.
- 1000.709 Numbering and distribution of contracts.

AUTHORITY: §§ 1000.101 to 1000.709 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply sec. 3, 48 Stat. 505, as amended, 62 Stat. 21; 34 U. S. C. 496, 10 U. S. C. 311, 41 U. S. C. Sup., 151-161.

DERIVATION: AFM 70-6.

§ 1000.1 *Report of profit under the Vinson-Trammell Act.* Contractors and subcontractors performing Air Force contracts, which are subject to the provisions of the Vinson-Trammell Act (sec. 3, 48 Stat. 505, as amended; 34 U. S. C., 496, 10 U. S. C. 311) are required to file a report of profit with the Secretary of the Air Force within 90 days after completion of the contract. The report covering a prime contract must be filed by the prime contractor as a condition precedent to final payment under such contract. Disbursing officers are required to withhold final payment on a prime contract which is subject to this act until advised that the report covering the prime contract has been filed. Processing of reports will be expedited so that payment to prime contractors will not be unduly delayed. The form prescribed for use is NME Form 147, Report of Profit on Army, Navy or Air Force Contract, December 1, 1948. Such forms may be secured from Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

NOTE: The provisions of this section are not a part of the Air Force Procurement Procedures which are set forth in this subchapter but are derived from a separate regulation.

SUBPART A—INTRODUCTION

§ 1000.101 *Purpose.* The Air Force Procurement Procedures are designed to implement Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation), and to prescribe detailed procurement procedures for the Department of the Air Force, as contemplated by § 400.106 of this title. Detailed procurement procedures are those policies and instructions prescribed by the Under Secretary of the Air Force.

§ 1000.102 *Applicability of procedures.* These procedures apply to the procurement by the Department of the

Air Force of all supplies and services which obligate appropriated funds, whether or not such supplies and services are procured by formal advertising or by negotiation.

CROSS REFERENCE: For specific procedures covering contracting authority outside the United States, its Territories and Possessions, see Subpart G of this part.

§ 1000.103 *Effective date of procurement procedures.* These procurement procedures shall be effective on and after October 1, 1950.

§ 1000.104 *Arrangement of procurement procedures—(a) General plan.* These procedures are divided into parts and subparts which correspond to the parts and subparts of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation). Where necessary, additional subparts which have no corresponding subpart in Subchapter A, Chapter IV of this title, have been added to certain parts, e. g., Subpart E of this part.

§ 1000.108 *Procuring activity instructions.* Detailed operating instructions are the policies and instructions prescribed by the head of the procuring activity in accordance with § 400.107 of this title.

§ 1000.109 *Deviations from Armed Services Procurement Regulation and the Air Force Procurement Procedures.* (a) Deviations from the requirements of Subchapter A, Chapter IV of this title and the provisions of this subchapter shall be made only by and with the approval of the Deputy Chief of Staff, Materiel, Headquarters United States Air Force. Requests for authority to make such deviations will be forwarded through the head of the procuring activity concerned.

(b) Any basic legal question involved in deviation from the requirements of these regulations will be referred, in the case of Headquarters United States Air Force, direct to the General Counsel, Department of the Air Force, and in the case of other components of the Air Force, to the Staff Judge Advocate, Air Materiel Command, for reference, if required or desirable, to the General Counsel. For this purpose and any other purpose involving policy having legal implications, direct communication is authorized between the Staff Judge Advocate, Air Materiel Command, and the General Counsel.

(c) Reports of deviations from the requirements of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) to the other departments, as set forth in § 400.108 of this title, will be made by the Deputy Chief of Staff Materiel.

§ 1000.110 *Administration and interpretation.* All instructions, procedures, deviations, and interpretations with respect to Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation), and/or these procedures, shall be approved by the Deputy Chief of Staff, Materiel. All instructions, procedures, deviations, and interpretations with respect to the Procuring Activity

Instructions shall be approved by the head of the procuring activity concerned.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.109 of this title.

§ 1000.112 *Periodic reports of purchases and contracts.* (a) To comply with the instructions of the President of the United States and the provisions of 62 Stat. 21; 10 U. S. C. Sup. 351-161, the maintenance of records and preparation of reports covering all procurement actions by the Department of the Air Force is required.

(b) The Commanding General, Air Materiel Command, is charged with the responsibility of obtaining data and maintaining records from which these reports will be made.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.110 of this title.

§ 1000.113 *Reports of suspected criminal conduct.* Reports of possible violations of Federal criminal statutes in connection with procurement and related matters, including reports of possible fraud, will be made in accordance with current instructions. See § 1001.406.

SUBPART B—DEFINITION OF TERMS

§ 1000.201 *Definitions.*—(a) *Head of a procuring activity.* The term "head of a procuring activity" for the Department of the Air Force, includes the Commanding General, Air Materiel Command (for all Air Force activities except overseas commands), and the commanding generals of the overseas commands.

(b) *Overseas commands.* The term "overseas commands" means commands with headquarters located outside the Continental United States, including Air Force components of unified commands. For the purpose of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) and these procedures, overseas commands include the following:

- (1) United States Air Forces in Europe,
- (2) Far East Air Forces,
- (3) Caribbean Air Command,
- (4) Alaskan Air Command.

(c) *Appropriated funds.* Comprises all such funds, including funds allocated to, as distinguished from appropriated to, the department (including available contract authorizations); but does not include organization, unit, or similar funds.

(d) *Local purchase.* Means the purchase, with appropriated funds allocated for the purpose, of materials, supplies, and services by an Air Force installation for use and consumption by that installation or other installations assigned to it for the issue of materials and supplies.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.201 of this title.

SUBPART C—BASIC POLICIES

§ 1000.301 *Centralized purchase activities at Air Force installations.* For the purpose of maintaining a high degree of efficiency and to effect the most economical management and organization of local purchase activities, the policy of

the Department of the Air Force is to centralize the functions of purchasing and contracting in a consolidated activity at all Air Force installations authorized to make local purchases from appropriated funds.

§ 1000.302 *Small business concerns.* (a) Full consideration will be given to the stated policy of the department to place with small business concerns a fair proportion of the total procurement of supplies and services for the department. However, the awarding of contracts to other than the low bidder, in those cases where formal advertising is required, solely on the basis that a bidder qualifies as a small business concern, is not authorized (see 28 Comp. Gen. 662). For awards to small business concerns in the case of equal low bids see § 1001.405.

(b) In addition to prime contracts which are awarded to small business concerns as the lowest responsible bidders, or made as a result of negotiation, participation of small business in Air Force procurement programs may be accomplished through the medium of subcontracts. Procurement personnel, both at the time of making large contracts and in the administration thereof, should encourage the prime contractors and their larger subcontractors to utilize small business concerns to the fullest extent possible; quality, delivery, and reasonable costs considered.

(c) The report of total value of all contracts placed with small business concerns will be prepared and submitted in accordance with current directives.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.302-3 of this title.

§ 1000.303 *Ineligible contractors and disqualified bidders.* Department of the Air Force policies and procedures, with respect to ineligible contractors and disqualified bidders, are as follows:

(a) *Policies.* The following general policies have been established regarding ineligible contractors and disqualified bidders:

(1) Authority to determine whether a person or firm will be declared ineligible or disqualified to bid on Air Force contracts rests with the Deputy Chief of Staff, Materiel, Headquarters United States Air Force.

(2) Air Force contracts will not be placed with persons or firms in the categories outlined below, and which are published in the Department of the Air Force list of ineligible contractors and disqualified bidders.

(3) An Air Force list of ineligible contractors and disqualified bidders will be maintained for the information and guidance of purchasing and contracting officers, in accordance with the procedures outlined in paragraph (c) of this section.

(4) A bidder will be disqualified and placed on the Air Force list of ineligible contractors and disqualified bidders only after receipt of definite evidence showing that the acts of the person or firm constituted a fraud or attempted fraud against the United States. Declaring a contractor or bidder disqualified is a drastic action and must be based upon

evidence rather than accusation. Disqualification of a bidder is an administrative determination which may be modified by the Department of the Air Force when it is in the interest of the Government to do so.

(5) Placing the name of a person or firm upon the list of ineligible contractors and disqualified bidders will be for the purpose of protecting the interests of the Government and not for punishment.

(b) *Categories.* The following categories of persons or firms will be placed on the list of ineligible contractors and disqualified bidders and contracts will not be placed with them:

(1) Those listed by the Comptroller General, which have been found by the Secretary of Labor to have violated any of the agreements or representations of the Walsh-Healey Public Contracts Act (49 Stat. 2036 as amended; 41 U. S. C. 35).

(2) Those listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act because they do not qualify as "manufacturers" or "regular dealers" within the meaning of the act;

(3) Those found by the Comptroller General to have violated the requirements of the Davis-Bacon Act (46 Stat. 1494 as amended; 40 U. S. C. 276a);

(4) Those declared ineligible, suspended, or disqualified by the Department of the Air Force, including violators of the Buy American Act (47 Stat. 1520; 10 U. S. C. 10a-c). (See § 405.108 of this title) and persons or firms suspected of fraud against the Government.

(5) Other contractors and bidders who may be declared ineligible, suspended, disqualified, or debarred by the Department of the Army, Department of the Navy, or other Government agencies when the action is considered appropriate by the Deputy Chief of Staff, Materiel, Headquarters United States Air Force.

(c) *List of ineligible contractors and disqualified bidders.* This list is prepared by the Deputy Chief of Staff, Materiel, Headquarters United States Air Force, and published and distributed by the Air Adjutant General, in accordance with the following stipulations and procedures:

(1) The original list, published July 1, 1949, is a Confidential publication containing the names, in alphabetical order, of all contractors or bidders that are ineligible, suspended, or disqualified for any reason (except those disqualified for security reasons), and is the only official Air Force list of this nature.

(2) In accordance with § 400.303 of this title, the list contains, as a minimum, the following information:

- (i) The name and address of each contractor or bidder;
- (ii) The reason for placing each person or firm on the list; and
- (iii) The extent to which Air Force procurement activities are restricted in their dealings with any person or firm on the list.

(3) Additions or deletions to the list will be issued as often as considered nec-

essary in accordance with the following procedures:

(i) Upon advice of the Comptroller General or Department of Labor in the case of firms or persons listed in accordance with paragraph (b) (1), (2) and (3) of this section. The provisions and requirements of the Walsh-Healey Public Contracts Act and the Davis-Bacon Act, and the procedures thereunder, including reports of violations, are covered in Part 411 of this title.

(ii) Persons or firms suspected of fraud against the Government will be reported in accordance with the provisions of current directives, and will be added or deleted from the list pursuant to paragraph (d) of this section.

(iii) Upon request by any procurement activity of the Department of the Air Force or staff offices of Headquarters United States Air Force, requests will be submitted through channels to the Deputy Chief of Staff, Materiel, Headquarters, United States Air Force, Washington 25, D. C., and will contain the name and address of the contractor or bidder; a full statement of the facts pertaining to the case including reports of investigation, disposition, citations to court action, or other applicable and pertinent documents; and the names and addresses of all persons known to have a knowledge of the facts and circumstances.

(iv) If, upon consideration of all available evidence, it is determined by the Deputy Chief of Staff, Materiel, that it is to the best interests of the Government to add or delete the name of a contractor or bidder, such information will be published in the Air Force list of ineligible contractors and disqualified bidders.

(4) *Exchange of lists.* As required by § 400.303 of this title, the Air Adjutant General will insure that copies of the Department of the Air Force list of ineligible contractors and disqualified bidders are distributed to the Department of the Army, Department of the Navy, and other interested Government agencies.

(d) *Action by procurement activities.* When the name of a person or firm appears upon the Air Force list of ineligible contractors and disqualified bidders, procurement offices and activities will take the appropriate action prescribed below:

(i) *Ineligible contractors.* (I) No awards will be made to such persons or firms until they have been removed from the list, or the specified period of ineligibility or disqualification has expired.

(ii) Such persons or firms will not be carried on any bid mailing lists and bids will not be invited from them.

(iii) In the event a bid is tendered by an ineligible contractor, it will be received and recorded with the other bids offered on the purchase. If the bid is low, it will be rejected and the following reason given on the certificate to the General Accounting Office: "In accordance with the decision of the Comptroller General of the United States, contained in his letter to the Secretary of War, 23 July 1929 (9 Comp. Gen. 23), the bid of _____ is rejected because of previous unsatisfactory dealings."

(2) *Suspended contractors.* (i) Procurements will not be made from, or commitments given to, firms suspected of fraud against the Government unless written clearance is obtained from the Deputy Chief of Staff, Materiel, Headquarters United States Air Force.

(ii) Administration of contracts on which performance is current may continue if the best interests of the Government are thereby served and fully protected, unless otherwise directed by Headquarters United States Air Force.

(iii) In the case of suspected fraud on the part of contractors in the termination of Air Force contracts, negotiations toward settlements will cease and no settlement agreement will be entered into without clearance from the Deputy Chief of Staff, Materiel. Negotiations toward settlement must also cease with respect to subcontracts with the prime contractor and with all lower tier sub-contractors to the suspected contractor. Any delegations of authority to the suspected contractor under Joint Termination Regulation 542 will be revoked immediately without explanation.

(iv) As soon as possible after submission of the initial report of suspected fraud, four copies of a brief financial analysis of the suspected firm will be submitted to the Deputy Chief of Staff, Materiel, based upon information available in Air Force records. This supplemental report will include a statement of outstanding contracts and an estimate of the uncompleted portion thereof, together with an estimate of the amounts of money due and owing the contractor from the Air Force.

(3) *Disqualified bidders.* The same action is prescribed for disqualified bidders as for ineligible contractors, as set forth in paragraph (d) (1) of this section.

(e) *Inquiries.* All inquiries pertaining to ineligible contractors and disqualified bidders will be handled as follows:

(1) Inquiries from or concerning contractors or bidders on the list of ineligible contractors and disqualified bidders will be referred through channels to the Deputy Chief of Staff, Materiel, Headquarters United States Air Force, for appropriate action during the period these persons or firms appear on the list or until the stated period of ineligibility or disqualification has expired.

(2) Inquiries or recommendations concerning policies and procedures, which are not answered by current directives, or these procedures, will be forwarded to the Deputy Chief of Staff, Materiel, Headquarters United States Air Force, for consideration and appropriate action.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see §§ 400.303 and 405.108 of this title.

§ 1000.304 *Specifications*—(a) *In general.* Every item on an invitation for bids (formal advertising) or a request for proposals (negotiation) will refer to the applicable specifications, or in lieu thereof will contain a purchase description, as indicated below.

(b) *Specifications authorized for procurement.* The following types of spec-

ifications are authorized for procurement:

- (1) Federal specifications;
- (2) Coordinated Military (MIL, JAN) specifications;
- (3) Air Force-Navy Aeronautical specifications.

(c) *Requirement.* Purchases will not be made without referencing the applicable Federal, coordinated Military (MIL or JAN) or Air Force-Navy Aeronautical specifications, except for those purchases required for:

(1) Research and development projects, including experimental, engineering, service and field tests, provided that the technical and quantity requirements of the items are approved for these purposes by appropriate technical committee action;

(2) The current military program, provided that the specification(s) used are actually in process of conversion to a Federal or Coordinated Military specification;

(3) Spare parts, components, or materials required for existing stocks of materiel or for items required for maintenance and operation of established installations.

(d) *Use of other specifications or purchase description.* Items required, for which no applicable Federal, Coordinated Military, or Air Force-Navy Aeronautical specifications exists, will be purchased in the order of preference listed, by the use of:

- (1) An uncoordinated military specification;
- (2) A department specification;
- (3) A purchase description.

(e) *Purchase description.* If the item required is not covered by any specification, and preparation of a specification is not justified, a purchase description containing all of the essential requirements to be met by the item will be used instead. If, because of technically involved construction or other sufficient reasons, such description cannot be made, the name of one or more makes of the item, including the words "or equal" will be specified in order that competition will not be limited to the particular make specified. This action is authorized as an expedient only, and not a normal procedure. Repeated use of this practice for the purchase of any item indicates a need for a specification and will be reported to the Commanding General, Air Materiel Command. Although the invitation contains the phrase "or equal," resulting contract, if placed with a manufacturer other than the one named, should describe the item by the part number or nomenclature of the manufacturer.

(f) *Options permitted by specifications.* Many adopted specifications cover several grades or types, and provide for several options in methods of inspections, etc. When such specifications are used, the invitation will state specifically the grade, type, or method of inspection, etc., on which bids are to be based.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.305.

§ 1000.305 *Conduct of procurement personnel.* (a) In accordance with certain restrictions imposed on Government officers and agents by applicable sections of the Criminal Code (especially Title 18 U. S. Code 434, 283, 216, and 281), and in accordance with the general policy against conflicting private interests of Government officers and employees, every person in each department who is charged with the administration and expenditure of Government funds must refrain from such conduct as would interfere with the full, proper, and impartial discharge of his official duties, or as would give rise to a reasonable suspicion that his conduct was motivated by self-interest rather than by the best interests of the Government.

(b) Air Force Regulation 70-5 is incorporated in these procedures by reference. Heads of procuring activities will insure that a copy of Air Force Regulation 70-5 is furnished to each person, both military and civilian, engaged in procurement activities.

(c) No member of the Department of the Air Force, military or civilian, may act as an agent of the United States Government in advising, recommending, making, or approving the purchase or disposition of supplies or other property, or in contracting therefor, if such person may be admitted to share or receive directly or indirectly any pecuniary profit or benefit from such purchase or contract.

(d) No member of the Department of the Air Force, military or civilian, shall be in direct charge of the negotiation of, or exercise authority for the final approval of, any contract with any corporation, joint-stock company, association, or firm, if at any time within 2 years prior to taking such action, the person was employed by or engaged in a course of substantial non-Governmental business dealings with the corporation, joint-stock company, association, or firm.

(1) The Under Secretary of the Air Force is authorized to make exemptions to the policy referred to in d above, in cases where he considers the application of the policy impracticable and does not serve the best interests of the Government.

§ 1000.306 *Hospitalization and medical care for contractor's employees at overseas installations.* (a) Memorandum from the Secretary of Defense, 22 April 1949, is published for information and guidance:

1. Under existing statutes and procurement regulations, the Military Departments have the authority, under certain circumstances, to contract for the hospitalization and medical care of employees of contractors with the United States at overseas locations, as a part of the consideration for such contracts.

2. During the present critical shortage of medical personnel, all practical means should be employed to reduce the workload of the medical departments of the services and to make the most efficient use of available personnel. Accordingly, in negotiating such contracts, it is requested that all procurement authorities in the Military Departments be instructed to avoid, to the extent possible, conditions which would place upon the services the responsibility of providing

medical and dental care, and hospitalization, for the contractor's employees.

3. This policy does not apply to preventive medical functions overseas, which should remain the responsibility of the Military Departments.

(b) In negotiating contracts, all procurement personnel will avoid, to the extent possible, including conditions which would place upon the services the responsibility of providing medical and dental care (out patient), and hospitalization (in patient) for contractor's employees at overseas locations.

§ 1000.3070 *Neutrality Act (International Traffic in Arms)*—(a) *Basic law.* Section 12 of the act of 4 November 1939 (54 Stat. 10; 22 U. S. C. 452), also referred to as the "Neutrality Act of 1939," established the National Munitions Control Board, upon the recommendation of which the President was authorized to proclaim, from time to time, a list of articles which shall be considered arms, ammunition and implements of war for the purpose of said act. The Secretary of State promulgates rules and regulations with regard to said act and except where otherwise provided by law, the administration was vested in the Department of State. The Neutrality Act further provides for the registration of persons engaged in manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in the President's Proclamation; and that no purchase of arms, ammunition, or implements of war shall be made on behalf of the United States from any person who shall have failed to register under provision of said act.

(b) *Proclamation of the President.* The President, in Proclamation 2776, March 26, 1948 (13 F. R. 1623; 3 CFR 1948 Supp. 31), has proclaimed the articles which are considered arms, ammunition, and implements of war for purposes of the basic law as follows:

Category I—Small arms and machine guns

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns (using ammunition of caliber .22 or over); barrels, mounts, breech mechanisms, and stocks therefor.

Category II—Artillery and projectors

Guns, howitzers, cannon, mortars, and rocket launchers (of all calibers), military flame throwers, military smoke, gas, or pyrotechnic projectors; barrels, mounts, and other components thereof.

Category III—Ammunition

Ammunition of caliber .22 or over for the arms enumerated under categories I and II above; cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotguns); projectiles and other missiles; percussion caps, fuses, primers, and other detonating devices for such ammunition.

Category IV—Bombs, torpedoes, and rockets

Bombs, torpedoes, grenades, rockets, mines, guided missiles, depth charges, and components thereof; apparatus and devices for the handling, control, discharge, detonation, or detection thereof.

Category V—Fire control equipment and range finders

Fire control equipment, range, position and height finders, spotting instruments, aiming devices (gyroscopic, optic, acoustic, atmospheric, or flash), bombsights, gunsights,

and periscopes for the arms, ammunition, and implements of war enumerated in Proclamation 2776.

Category VI—Tanks and ordnance vehicles

Tanks, armed or armored vehicles, armored trains, artillery and small arms repair trucks, military half-tracks, tank recovery vehicles, tank destroyers; armor plate, turrets, tank engines, tank tread shoes, tank bogie wheels, and idlers therefor.

Category VII—Poison gases and toxicological agents

All military toxicological and lethal agents and gases; military equipment for the dissemination and detection thereof and defense therefrom.

Category VIII—Propellants and explosives

Propellants for the articles enumerated in categories III, IV, and VII; military high explosives.

Category IX—Vessels of war

Vessels of war of all kinds, including amphibious craft, landing craft, naval tenders, naval transports, and naval patrol craft, armor plate, and turrets therefor; submarine batteries and nets, and equipment for the laying, detection, and detonation of mines.

Category X—Aircraft

Aircraft; components, parts, and accessories therefor.

Category XI—Miscellaneous equipment

- (1) Military radar equipment, including components thereof, radar countermeasures, and radar jamming equipment;
- (2) Military stereoscopic plotting and photo interpretation equipment;
- (3) Military photo theodolites, telemetering and Doppler equipment;
- (4) Military super-high speed ballistic cameras;
- (5) Military radiosondes;
- (6) Military interference suppression equipment;
- (7) Military electronic computing devices;
- (8) Military miniature and subminiature vacuum tubes and photoemissive tubes;
- (9) Military armor plate;
- (10) Military steel helmets;
- (11) Military pyrotechnics;
- (12) Synthetic training devices for military equipment;
- (13) Military ultrasonic generators;
- (14) All other material used in warfare which is classified from the standpoint of military security.

(c) *Interpretation of basic law by Department of State.* Munitions Division Bulletin 1, Department of State, "New Requirements Relating to the Licensing for Export and Import of Articles Defined as Arms, Ammunition, and Implements of War," April 1, 1948, indicated the procedures to be followed by those engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's Proclamation pending issuance of a revised edition of the pamphlet "International Traffic in Arms." Inquiries relative to the application of Proclamation 2776 should be submitted to the Munitions Division, Department of State, Washington 25, D. C.

(d) *Registration of certain manufacturers.* The Chief, Munitions Division, Department of State, has advised as follows:

The Department of State is of the opinion that the following, among others, are not

obligated to register as manufacturers under the terms of the Act:

(1) Producers or suppliers of articles or equipment, of common military use, but not specifically listed in Proclamation 2776.

(2) Producers or suppliers of small parts or components of the articles or major units enumerated in Proclamation 2776, when such small parts or components have been interpreted as coming outside the purview of the Proclamation, or when such producer or supplier is not independent in his operations but is under contract to a manufacturer of the completed article or major unit.

(3) Persons or firms engaged solely in research and development with resultant production for experimental or scientific purposes, when such production is not followed by manufacture in quantity for sale.

(4) Producers or suppliers of articles classified from the standpoint of military security if such articles are not adaptable to "use in warfare" in the sense of direct or indirect combat operations.

In connection with the foregoing, it is my understanding that an administrative determination by the Department of State that a particular person or firm is not obligated to register under the provisions of the Act will serve to relieve procurement officers of the Military Establishment of any responsibility in so far as applying the conditions of subsection (g) in their dealings with persons seeking military contracts, providing such persons present a statement by the Department of State expressing such an exemption. It is further understood that the foregoing arrangement is acceptable to the Office of the Comptroller General.

In cases of persons or firms required to register, they will be authorized to present in evidence thereof either a photostatic copy of their Certificate of Registration, or a statement from the Department certifying that they are registered, to that part of the Military Establishment from which they desire to obtain manufacturing or supplying contracts.

(e) *Contract clause.* The contract clause prescribed for insertion in contracts subject to the provisions of the basic law is set forth in Part 406 of this title.

§ 1000.308 *Robinson-Patman Act.* The Attorney General has expressed the opinion that the act of October 15, 1914 (38 Stat. 730) as amended by the act of June 19, 1936 (49 Stat. 1526; 15 U. S. C. 12 et seq.), commonly referred to as the Robinson-Patman Act is not applicable to Government contracts for supplies (38 Op. Atty. Gen. 539). If a prospective bidder inquires concerning the application of the Robinson-Patman Act, he should be referred to the opinion of The Attorney General cited above.

SUBPART D—PROCUREMENT RESPONSIBILITY AND AUTHORITY

§ 1000.401 *Responsibility of each procuring activity—(a) Commanding General, Air Materiel Command.* Except as otherwise prescribed by these procedures, the Commanding General, Air Materiel Command, is responsible for the procurement of supplies and services under or assigned to the procurement cognizance of the Department of the Air Force, except those supplies and services assigned to the procurement cognizance of a jointly-staffed and financed procuring activity established under the provisions of Part 403 of this title or to an overseas command. The Commanding General, Air Materiel Command is

authorized to designate, or to direct the designation of, in writing, any qualified officer or civilian official of the Department of the Air Force, a contracting officer within the meaning of that term as used throughout Subchapter A, Chapter IV of this title and this subchapter. This responsibility includes the authority to impose limitations upon the authority to enter into contracts and to require such business clearance and approval as he may prescribe in appropriate procuring activity instructions. This responsibility and authority extends over all activities of the Air Force, except the overseas commands, air attachés, and foreign missions.

(b) *Commanding generals, overseas commands.* The commanding general of each overseas command, as defined in § 1000.201, is responsible for the procurement of supplies and services under or assigned to the procurement cognizance of his activity. The commanding general of each overseas command is authorized to designate, or to direct the designation of, in writing, any qualified officer or civilian official under his jurisdiction, a contracting officer within the meaning of that term as used throughout Subchapter A, Chapter IV of this title and Subchapter J of this chapter. This responsibility includes the authority to impose limitations upon the authority to enter into contracts and to require such business clearance and approval as may be prescribed in appropriate procuring activity instructions.

(c) *Authority to delegate and redelegate.* Except as specifically limited or prohibited herein, by Subchapter A, Chapter IV of this title, or by law, the authorities vested in the heads of procuring activities pursuant to Subchapter A, Chapter IV of this title or by the procedures set forth in this subchapter, may be delegated and redelegated.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements, see § 400.401 of this title.

§ 1000.402 *General authority of contracting officers.* In accordance with the provisions of Subchapter A, Chapter IV of this title, the procedures set forth in this subchapter, and procuring activity instructions prescribed by the head of the procuring activity concerned, any contracting officer is hereby authorized to enter into contracts on approved forms for supplies and services on behalf of the Government and in the name of the United States of America, whether by formal advertising or by negotiation. Unless otherwise specifically provided, the words "the contracting officer" when used in Subchapter A, Chapter IV of this title, the procedures set forth in this subchapter or in any contract, supplemental agreement, or change order, are construed to include any contracting officer, acting within the scope of the written orders designating him a contracting officer, his duly designated successor or authorized representative.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.402 of this title.

§ 1000.403 *Purchase activities at Air Force installations.* (a) All local pur-

chase functions involving appropriated funds will be centralized and accomplished by the headquarters, depot, or base contracting officer with the exception of negotiation, execution, and administration of contracts involving the movement of household goods by commercial van, which will be performed by the transportation officers acting as contracting officers for that purpose, as indicated in paragraph (c) of this section.

(b) Headquarters, depot, or base contracting officers will:

(1) Receive purchase requests requesting the procurement of all materials, supplies, equipment, and services, except for transportation services as indicated in paragraph (c) of this section;

(2) Accomplish procurements by formal advertising or negotiation procedures, strictly in accordance with 62 Stat. 21; 41 U. S. C. Sup. 151-161, Subchapter A, Chapter IV of this title, the procedures set forth in this subchapter, and implementing instructions issued by the head of the procuring activity;

(3) Administer to completion all contracts except as indicated in paragraph (c) (1) of this section.

(c) Transportation officers duly appointed pursuant to existing regulations are also designated transportation contracting officers and will:

(1) Negotiate contracts under section 2 (c) (3) (Under \$1,000) or section 2 (c) (17) (Otherwise authorized by Law—Act of September 18, 1940—49 U. S. Code 65) of Public Law 413, 80th Congress (for \$1,000 and over), for necessary packing and movement of household goods and effects by commercial van. Such negotiations will be accomplished strictly in accordance with Part 402 of this title, the procedures set forth in this subchapter, and implementing instructions issued by the head of the procuring activity. DD Form 327 (replaces WD AGO Form 55-123) will be used for this purpose.

(2) Administer contracts to completion as indicated in subparagraph (1) of this paragraph.

(d) Transportation contracting officers will not contract by means of formal advertised procedures, nor issue contracts for commercial storage or for packing and crating of household goods and effects for rail or motor freight movement (as distinguished from van movement).

§ 1000.404 *Representatives of contracting officers.* (a) The head of any procuring activity may designate or direct the designation of, in writing, any officer or civilian official to act as representative of the contracting officer or his duly designated successor;

(b) A designation so authorized will be made by written instructions referring to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. A representative by virtue only of his designation as such will not be empowered to execute any contract or supplemental agreement on behalf of the United States.

§ 1000.405 *Requirements to be met before entering into contracts.* Whether procurement is to be effected by formal advertising or by negotiation, no contract shall be entered into unless—

- (a) All applicable requirements of law, of Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation), of the procedures in this subchapter, and of the appropriate procuring activity instructions have been met; and
- (b) Such business clearance, or approval as is prescribed by applicable procuring activity instructions has been obtained.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 400.403.

§ 1000.406 *Responsibility for insuring the availability of funds.* Contracting officers will obtain, prior to the incurrence of a legal obligation, from the fiscal officer a citation of the proper funds to be charged. The fiscal officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred.

SUBPART E—CONSTRUCTION, MAINTENANCE, AND REPAIR

§ 1000.500 *Scope.* This subpart deals with the general procurement policies of the Department of the Air Force with respect to construction, and maintenance and repair, and implements the provisions of Subchapter A, Chapter IV of this title generally, rather than a specific section or part thereof.

§ 1000.501 *Definitions.*—(a) *New construction.* The term "new construction" as used in this subchapter is defined as the initial erection or installation of buildings, structures, ground facilities, and utility systems or other real property built separate, or apart from existing facilities when financed from acquisition and construction of real property funds. The term also includes reconstruction, rehabilitation, replacement, conversion, relocation, extension, addition, expansion, improvement, modification, or alteration of any building, structure, plant, ground facility, utility system or other real property when financed from acquisition and construction of real property funds. The construction of living quarters or conversion of troop housing to family quarters regardless of cost will be financed from acquisition and construction of real property funds.

(b) *Maintenance and repair.* The term "maintenance and repair" as used in this subchapter includes:

- (1) All recurrent work involving maintenance and repair of any building, structure, plant, ground facility, utility system, or other real property regardless of cost. Recurrent work is that required as a consequence of regular usage, normal wear and tear, or normal deterioration due to the elements;
- (2) Additions, extensions, and alterations to such buildings, structures, plants, systems, and other real property estimated to cost less than \$30,000 when

financed from maintenance of installations funds;

(3) Restoration necessitated by disaster when financed from maintenance of installations funds;

(4) New construction estimated to cost less than \$30,000 when financed from maintenance of installations funds;

(5) Major repairs including rehabilitation, replacements, and standardization regardless of cost when financed from maintenance of installations funds.

§ 1000.502 *Responsibility.* The preparation, review, and execution of new construction work will be in accordance with applicable department construction policies. The Director of Installations, Office of Deputy Chief of Staff, Materiel, Headquarters United States Air Force, is charged with the application of the policies, including the determination of military necessity for any construction requested by major elements of the department which have not been included in construction programs, as authorized by Congress.

§ 1000.503 *Authorization.* Prior authorization for new construction, maintenance, and repair projects must be secured in accordance with existing regulations.

§ 1000.504 *Formal advertising to be used.* Unless within the authorizations set forth in Parts 402 and 1003 of this title or unless authorized by law, all construction, and maintenance and repair contracts will be on a lump sum or unit price basis after formal advertising.

SUBPART F—CONTRACTS; GENERAL

§ 1000.601 *Scope.* This subpart deals with administrative requirements and procedures in connection with the execution, approval, numbering, and distribution of contracts. It implements Subchapter A, Chapter IV of this title generally, rather than a specific subpart of Part 1000 thereof.

§ 1000.602 *Definitions.*—(a) *United States and Government.* These terms are synonymous and include the department.

(b) *Contractor.* Any person, partnership, company, or corporation (or any combination of these) which is a party to a contract with the United States.

(c) *Contracting officer.* See §§ 400.201-5, 400.402 of this title and § 1000.402.

(d) *Contract.* See § 400.201-6 of this title.

(e) *Supplemental agreement.* Any modification in the terms of a contract, not authorized by the basic contract, which is found to be desirable or necessary during the life of the contract. Supplemental agreements must contain all the essential elements of an original contract and must bear the signatures of the contracting parties.

(f) *Change orders.* A written order, signed by the contracting officer, making changes in the contract which are authorized under the provisions thereof.

(g) *Contract change notification.* A written order signed by the contracting officer directing the making of changes of the kind authorized by the provisions of the contract in the supplies or services called for thereunder, but containing no

adjustment of price or estimated cost. Following such a written order, the necessary revisions in other provisions of the contract which are brought about by such order will be made by a supplemental agreement or by a change order executed by both parties. The use of contract change notifications is limited to the procuring activities at Headquarters, Air Materiel Command.

§ 1000.603 *Documentary evidence of purchases.* Every purchase transaction by a contracting officer, except those where payment is made coincidentally with receipt of the supplies, will be evidenced by a written contract on an approved contract form as prescribed by Part 406 of this title, this subchapter, and the procuring activity instructions concerned.

§ 1000.604 *Execution of contracts; requirements.*—(a) *Citation of funds chargeable.* A citation of the funds chargeable will be made on all contracts.

(b) *Citation of disbursing officer.* A citation of the disbursing officer designated to make payment will be made on all contracts.

(c) *Contracting officer's signature.* The contracting officer will sign on behalf of the United States in the space provided for his signature, and his official title will be added.

(d) *Contracts with individuals.* A contract with an individual will be signed by the individual in his own name.

(e) *Contracts with an individual trading as a firm.* Such a contract will be signed by the individual in question. The following illustrates the form that such an execution ordinarily will take:

JOHN DOE COMPANY,
By _____
JOHN DOE (Owner),
Contractor.

(Business Address)

(f) *Contracts with partnerships.* (1) The contract may be signed in the name of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(2) If the contract form being used contains a blank certificate as to the authority of the individual who executed the contract on behalf of the contractor, the completion of this certificate will be obtained, except as provided in subparagraphs (3) and (4) of this paragraph. The contracting officer will in all cases endeavor to satisfy himself that the signer has authority to bind the corporation.

(3) If the execution of the certificate mentioned in subparagraph (2) of this paragraph is impracticable, and if the contracting officer is able truthfully to do so, he may affix and sign the following statement on the contract:

I hereby certify that to the best of my knowledge and belief, based upon observation and inquiry, _____ who signed
(Name)

this contract for _____ had
(Contractor)

authority to execute the same and is the individual who signs similar contracts on behalf of this corporation with the public generally.

(Contracting Officer)

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(4) In lieu of complying with subparagraph (2) or (3) of this paragraph, the contracting officer may obtain satisfactory evidence of the authority of the signer to bind the corporation and file such evidence with the contract. Such evidence will consist of extracts from the records of the corporation showing either:

(i) The election or appointment of the officer executing the contract on behalf of the corporation and the grant of authority to such officer to execute the contract; or

(ii) If the contract is signed by someone other than an officer of the corporation, the grant of authority to such person to execute the contract. The above mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

(5) If the contract form being used does not contain a certificate, no certificate need be executed, nor will the evidence specified in subparagraph (4) of this paragraph be required.

(g) *Contracts with joint venturers.* Contracts are sometimes entered into with joint-venturers, consisting of a corporation and a partnership, or a partnership and an individual, etc. In such cases the contract will be signed by each participant in the joint-venture in the manner indicated for each type of participant in paragraphs (c), (d), (e), and (f) of this section. Whenever a corporation is participating, a certificate should be secured from the custodian of the records stating that the corporation is authorized to participate in the joint venture.

§ 1000.605 Consent of sureties to modifications.—(a) *Supplemental Agreements.* Subject to the provisions of paragraph (c) of this section, if payment or performance bonds have been executed in connection with a contract, the consent of the surety should be obtained to any supplemental agreement modifying or amending the contract.

(b) *Change orders.* Subject to the provisions of paragraph (c) of this section, the consent of such a surety should be obtained to any change order which grants an extension of performance time or which has the effect of increasing the contract price by more than \$25,000. Such consent is not necessary when the change order effects an increase in the contract price of \$25,000 or less, and does not grant an extension of performance time.

(c) *Exception to requirement of consent of surety.* The provisions of paragraphs (a) and (b) of this section, are subject to the qualification that the consent of a surety under a bond executed prior to the execution of a supplemental agreement, or change order is not necessary, if

(1) An additional bond is furnished in support of the supplemental agreement or change order and

(2) Such surety is also surety on the additional bond.

(d) *Examination of consents of sureties.* The original of each consent of surety required by paragraphs (a) and

(b) of this section, together with the original signed number of the supplemental agreement or change order to which it relates, will be forwarded directly to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Attention: Bond and Insurance Unit, MCPPXS9, Dayton, Ohio. The Commanding General, Air Materiel Command, will examine the consent of surety as to form, execution, and legal sufficiency, and will then forward it together with the supplemental agreement or change order to the General Accounting Office for filing.

§ 1000.606 Numbering of contracts.—

(a) *General.* Contracts are numbered with approved letter symbols and serial numbers primarily for use of the General Accounting Office for identification and filing. Documents coming within the purview of this section will include purchase contracts, letter orders, letters of intent, sales contracts, leases, easements, proposal and acceptance documents or other documents evidencing in whole or in part an agreement between the parties which involves the payment of appropriated funds or collection of funds for credit to the Treasurer of the United States and hereinafter referred to as contracts.

(b) *When required.* Contracts required to be numbered are:

(1) Contracts involving an amount determined at the time of making the agreement to be \$5,000 or more.

(2) Contracts involving more than one payment and/or collection regardless of amount.

(3) All other contracts shall be unnumbered except in the following instances:

(i) Where any related supplemental document, required to be deposited with the General Accounting Office, is transmitted in connection with an unnumbered contract, and if such related supplemental document serves to remove the contract from the category of contracts not required to be numbered, a number will be assigned to the original contract and will be shown on such supplemental document in addition to the voucher citation in the event any payments have been made prior to the issuance of the supplemental document.

(ii) When later determination is made that more than one payment and/or collection is involved or that the amount to be paid or collected equals \$5,000 or more, a number must also be assigned to such contract.

(c) *When not required.* Contracts not required to be numbered include:

(1) Contracts where it is determined at the time of making that the amount involved is less than \$5,000 and only one payment or collection will be made.

(2) Delivery orders evidencing interdepartmental purchases and purchases made against call or requirement type contracts.

(d) *System of numbering.*—(1) *Numbered contracts.* Contract numbers, when required, will be placed in the upper right hand corner of the contract, separate from all other information, and will consist of the following in the order named:

(i) The capital letters AF, representing the Department of the Air Force;

(ii) Fiscal station number representing the State, or other location, and the station or office;

(iii) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession without regard to the fiscal year.

(2) *Unnumbered contracts.* Any contract, purchase order, or delivery order of the type set forth in (c) above, is not required to be numbered by the system prescribed in subparagraph (1) of this paragraph, but will be designated as follows:

(i) Station number representing the State or other location, and the station or office;

(ii) The last two digits of the appropriate fiscal year;

(iii) Serial number of the contract of that type entered into by the station for that fiscal year beginning with number 1 for each fiscal year.

(3) *Sales contracts.* The provisions of subparagraph (1) and (2) of this paragraph, are applicable to the numbering of sales contracts, except that in connection with such contracts a separate series of numbers will be used and the letter "s" will be added immediately after the parenthesis enclosing the last three digits of the station number.

(4) *Supplemental agreements and change orders.* Supplemental agreements and change orders will bear the same identification as the contract which is modified or amended thereby. In addition thereto, such supplemental agreements and change orders will be numbered in the order in which the modifications or amendments to the contract are issued. One continuous series of numbers will be used for each contract, even though it is modified or amended by both supplemental agreements and change orders.

(5) *Subcontracts.* Contracting officers will urge contractors holding prime contracts with the department to include in their subcontracts a reference to the number of the prime contract involved. Prime contractors also will be asked to urge their subcontractors to include a reference to the number of the applicable prime contract in sub subcontracts, and so on down the line. This practice will materially assist in accounting and auditing and particularly in the settlement of terminated subcontracts of all tiers.

(e) *Assignment, cancellation, or alteration of contract number.* Letter symbols and systems used for numbering contracts must be approved by the Comptroller General of the United States prior to use. The elements of a contract number must not be altered in any way without the express approval of the Director of Finance. Requests for assignment, cancellation, or alteration of procurement station numbers should be addressed to the Director of Finance, Headquarters United States Air Force, Washington 25, D. C.

§ 1000.607 Distribution. Contracts will not be distributed until properly signed by all parties, and approved, if approval is required. The following

terms are used in connection with the distribution of contracts:

(a) *Signed number.* Means the instrument with the required signatures.

(b) *Authenticated copy.* Means a copy of the instrument shown to be authentic by:

- (1) Certification as a true copy, or
- (2) Official seal, or
- (3) Photostatic process.

The signature on the copies may be facsimile, stamped, or typed. In lieu of copying the signatures of the parties signing the contract or supplemental agreement and of the witnesses thereto, and the corporate certificate or certification, if any, as to the authority of the person who signed the original for the corporate contractor, the contracting officer or his authorized representative may execute the following certificate on the copies furnished the fiscal office and disbursing office for their use: "Certified True Copy".

(c) *Copy.* Means a copy of the instrument, including the names of the contracting parties, but lacking authentication.

(d) *Secret and confidential contracts.* All instructions relating to distribution of contracts are subject to current instructions governing the safeguarding and disclosing of information affecting the national defense of the United States.

(e) *Numbered contracts.* Subject to such special instructions as may be issued by the head of the procuring activity concerned, numbered contracts will be distributed as follows:

(1) The original signed number of each lump-sum (fixed price) contract will be forwarded to the General Accounting Office, Army Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Mo. The original signed number of each cost-plus-fixed-fee contract whether Secret, Confidential, or unclassified will be forwarded to the General Accounting Office, Attention: Contract Service Section, Audit Division, Washington 25, D. C. If a surety bond or bonds were required in support of a contract whether lump sum or cost-plus-fixed-fee, see paragraph (b) of this section. When the contract covers purchases made for one or more of the other military departments of the Department of Defense, with payment to be made by the military department or military departments receiving the supplies or services, there also will be forwarded with the original signed number additional certified or photostatic exact copies of the contract in a number equal to the number of receiving military departments.

(2) The duplicate signed number will be filed with the contracting officer or as directed by the head of the procuring activity concerned.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer for his files.

(f) *Unnumbered contracts.* (1) The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany the voucher to the General Accounting Office, Army

Audit Branch, Building 203, 4300 Goodfellow Boulevard, St. Louis 20, Mo. If a purchase order covering a negotiated purchase was preceded by a written quotation, or if the contractor delivered some written instrument evidencing the contractor's assent, the original of the written quotation or instrument must be attached to the original purchase order intended for the General Accounting Office. If a surety bond or bonds were required in support of a contract, a suitable notation, by rubber stamp or otherwise, that a bond has been executed (e. g., "Performance Bond Executed"; "Payment Bond Executed") will be placed on the contract for the information of the General Accounting Office.

(2) The duplicate signed number will be forwarded to the Contractor.

(3) The triplicate signed number will be filed with the contracting officer or as directed by the head of the procuring activity concerned.

(4) An authenticated copy will be furnished the disbursing officer for his files.

(g) *Contracts supported by bonds.* If a surety bond was required in support of a contract or a modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Attention: Bonds and Insurance Unit, MCPXSS9, Dayton, Ohio, instead of direct to the General Accounting Office. In the event it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to the Commanding General, Air Materiel Command.

(h) *Supplemental agreements and change orders.* Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as prescribed for the contracts to which they pertain and the contracting officer will note on his retained copy of the supplemental agreement or change order the date on which the contractor's number was delivered or mailed to him.

(1) *Purchases under contracts of Federal supply service, General Services Administration, Navy Department, Post Office Department, etc.* (1) Delivery orders covering such purchases will be distributed in accordance with paragraph (f) of this section.

(2) The head of the procuring activity concerned will secure compliance with all special instructions of the respective agencies which make the contracts.

(3) Vouchers submitted to the General Accounting Office, Army Audit Branch, may relate to less than all of the items covered by the delivery order. If the original signed number of the delivery order has not already been so submitted, it will be submitted with the first voucher; and when vouchers are submitted covering subsequent payments, a reference will be made to the first voucher. The reference should contain the date on which the invoice covered by the first voucher was paid

and the name of the disbursing officer by whom such payment was made.

SUBPART G—CONTRACTING AUTHORITY OUTSIDE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS; CONSTRUCTION WORK OUTSIDE CONTINENTAL UNITED STATES

§ 1000.700 *Scope.* This subpart deals with the general procurement policies of the Department of the Air Force with respect to contracting authority outside the Continental United States, its Territories and Possessions and construction work outside the Continental United States, and implements Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) generally rather than a specific part or subpart thereof.

§ 1000.701 *Basic law.* The "Armed Services Procurement Act of 1947" (62 Stat. 21; 41 U. S. C. 151-161) became effective May 19, 1948. That law requires that all contracts executed and purchases transacted on and after its effective date, and payable from appropriated funds, be made in accordance with its provisions.

§ 1000.702 *Procurement regulations and procurement procedures.* The provisions of Subchapter A, Chapter IV of this title, and the procedures set forth in this subchapter, unless clearly inapplicable in specific cases, are binding upon all procuring activities of the Air Force, including oversea commands, air attachés, and foreign missions. Even though certain provisions of Subchapter A, Chapter IV of this title and the procedures set forth in this subchapter may not, in specific cases be applicable to procurements made outside the Continental United States; the entire regulation and procedures must nevertheless be used as a general guide for procurement operations.

§ 1000.703 *Policy in general.* (a) Pursuant to the provisions of 62 Stat. 21; 41 U. S. C. Sup. 151-161, and particularly sections 2 (c) and 3 thereof, procurement by formal advertising, as contemplated by Part 401 of this title, is the general method of purchases within the United States, its Territories and Possessions. This method of purchase also will be followed by oversea activities, in those areas outside the Territories and Possessions, where prevailing local conditions permit such action. Even when procurement is to be made by negotiation, price quotations shall be solicited from all such qualified sources of supplies or services as are considered necessary by the contracting officer to assure full and free competition consistent with the procurement of the required supplies or services. Procurement by negotiation is permitted, as an exception to the general requirement for formal advertising, for certain categories of purchases enumerated in the basic law and set forth in Part 401 of this title. Among the excepted categories are:

(1) Purchases of supplies or services in an amount not exceeding \$1,000. See § 402.203 of this title.

(2) Supplies or services which are to be procured and used outside the limits

of the United States, its Territories and Possessions. See § 402.206 of this title.

(3) Construction and repair work which is to be performed outside the Continental United States. See § 402.218 of this title.

(4) Otherwise authorized by law. See §§ 402.217 and 1000.706 of this title.

(b) A record of each procurement will be maintained in the contracting office, whether made by formal advertising or negotiation. Such record will indicate the extent of competition, including the names and addresses of the bidders requested to submit bids or quotations, and the results thereof, whether contact was made in writing, in person, by telephone, or other means, or will explain the absence of competition. See §§ 401.203 and 402.308 of this title.

§ 1000.704 *Appointment of contracting officers*—(a) *Overseas commands*. See § 400.401 of this title as implemented by § 1000.401 (b).

(b) *Air attachés*. Each air attaché is hereby designated a contracting officer and is further authorized to designate, in writing, any qualified officer or civilian official under his jurisdiction a contracting officer within the meaning of that term as used throughout Subchapter A, Chapter IV of this title and this subchapter.

(c) *Foreign missions*. The chief of any Air Force foreign mission or the chief of the Air Force section of any joint military mission not operating under the jurisdiction of a major overseas command, may, when necessary to the proper functions of the mission, designate, in writing, any qualified officer or civilian official under his jurisdiction a contracting officer within the meaning of that term as used throughout Subchapter A, Chapter IV of this title and this subchapter.

§ 1000.705 *Delegation of authority*—(a) *Supplies and services*. Commanding generals of overseas commands (see § 1000.201 (b)), as heads of procuring activities, are authorized, in accordance with § 400.401 of this title as implemented by § 1000.401 (b), to make necessary procurements of supplies and services outside the Continental limits of the United States, its Territories and Possessions as prescribed in § 1000.703.

(b) *Construction or repair work*. Commanding generals of overseas commands are authorized to accomplish emergency construction and repair work for all activities under their jurisdiction, including the Territories and Possessions, either by formal advertising or by negotiation whichever method is, in their discretion, considered more practicable taking into consideration prevailing local conditions. Prior authorization must be secured for new construction not of an emergency nature in accordance with existing regulations.

(c) *Limitation*. (1) Except as provided in paragraph (b) of this section, all purchases made by contracting officers within the Territories and Possessions will be made by formal advertising or by negotiation under one of the exceptions listed in Part 402 of this title,

other than section 2 (c) (6) of the basic act.

(2) For the purpose of Subchapter A, Chapter IV of this title and the procedures set forth in this subchapter, the Panama Canal Zone is considered as included in the broad term "Territories and Possessions" within the meaning of 62 Stat. 21; 41 U. S. C. Sup. 151-161.

(d) *Air attachés*. Authority is hereby delegated to air attachés on duty in foreign countries to:

(1) Make necessary procurements of supplies and services as prescribed in § 1000.703 of this title.

(2) Accomplish emergency construction and necessary repair work as set forth in paragraph (b) of this section.

The requirements for the use of contract forms and clauses, in § 1000.708; the numbering and distribution of contracts in § 1000.709; and the prohibitions in § 1000.707; are equally applicable to procurements made by air attachés.

(e) *Foreign missions*. The chief of any foreign mission (Air Force), or the chief of the Air Force section of any joint military mission, not operating under the jurisdiction of a major overseas command, is hereby delegated the same authority as is delegated to air attachés in paragraph (d) of this section.

§ 1000.706 *Government and relief in occupied areas*. The policies set forth in this part are applicable to procurements in overseas areas for Government and relief in occupied areas. However, special instructions may be issued from time to time by cable or directive to the commanding generals of the major overseas commands regarding the contract procedures to be followed in procurements chargeable to annual appropriations for "Government and Relief in Occupied Areas" (GARIOA) or other similar appropriations.

§ 1000.707 *Prohibitions*—(a) *Supplies originating in United States, etc.* Unless otherwise authorized by the Department of the Air Force, no commanding officer of United States Air Force troops, outside the limits of the United States, its Territories, and Possessions, shall engage in procurement of any arms, ammunition, implements of war, materials, or supplies, from manufacturers or suppliers, if such arms, ammunition, implements of war, materials, or supplies, in complete and finished form, are to be obtained by such manufacturers or suppliers from sources within the limits of the United States, its Territories, or Possessions. The correct procedure in such instances would be to obtain the supplies by timely requisition through regular supply channels.

(b) *Reacquisition of surplus items*. No items previously declared surplus and disposed of by the Government shall be reacquired unless specifically authorized by the Under Secretary of the Air Force.

§ 1000.708 *Contract forms and clauses*. Commanding generals of the major overseas commands are obligated to use, in applicable cases, the contract forms and contract clauses prescribed in Part 406 of this title. For the contract clauses pertaining to the Walsh-Healey Public Contracts Act, as amended; the Davis-

Bacon Act, as amended; and the Eight-Hour Law of 1912, as amended (37 Stat. 137 as amended; 40 U. S. C. 324-326); which laws are specifically mentioned in section 8, 62 Stat. 21; 41 U. S. C. Sup. 151-161. (See Part 411 of this title.) Appropriate deletions or changes will be made when printed standard contract forms are used.

§ 1000.709 *Numbering and distribution of contracts*—(a) *Numbering of contracts*. The numbering of contracts is a requirement of the Comptroller General of the United States, being necessary for auditing purposes. The instructions contained in § 1000.606 regarding the numbering of contracts will be strictly adhered to.

(b) *Distribution of contracts*. The requirements of existing law (R. S. 3743; 41 U. S. C. 20) and regulations of the Comptroller General issued pursuant thereto, requiring the furnishing of the original number (ribbon copy) of each contract or purchase instrument involving the expenditure of appropriated funds or collection of funds for credit to the Treasurer of the United States, to the General Accounting Office are mandatory on all contracting officers of the United States regardless of where located. See § 1000.607.

PART 1001—PROCUREMENT BY FORMAL ADVERTISING

SUBPART A—USE OF FORMAL ADVERTISING

Sec.

- 1001.101 Advertising for bids.
- 1001.102 Policy.
- 1001.103 Invitations for bids; definition.
- 1001.104 Classified projects.

SUBPART B—SOLICITATION OF BIDS

- 1001.201 Preparation of forms.
- 1001.202 Amendments.
- 1001.203 Methods of soliciting bids.
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SUBPART C—SUBMISSION OF BIDS

- 1001.301 [Reserved.]

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

- 1001.401 Opening of bids.
- 1001.402 Recording of bids.
- 1001.403 Rejection of bids.
- 1001.404 Mistakes in bids.
- 1001.405 Awards.
- 1001.406 Reporting equal bids.
- 1001.407 Information to bidders.
- 1001.408 Distribution of bids and abstracts.

SUBPART E—QUALIFIED PRODUCTS

- 1001.501 Responsibilities for operation and administration.
- 1001.502 Determinations.

AUTHORITY: §§ 1001.101 to 1001.502 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151-161.

DERIVATION: AFM 70-6.

SUBPART A—USE OF FORMAL ADVERTISING

§ 1001.101 *Advertising for bids*. To advertise means to prepare invitations for bids on the prescribed forms, post

them in public places, and distribute them to prospective bidders as required by these procedures; and to publish the essential details of such invitations for bids in newspapers or trade journals, when authorized, as indicated in Subpart B of this part.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 401.101 of this title.

§ 1001.102 *Policy.* The policy of the Department of Defense is to make available to both large and small business, the public, the press, and others having a legitimate interest, information concerning invitations for bids, and results of bidding on military procurement entered into after formal advertising. (See §§ 1001.203 and 1001.204.)

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 401.102 of this title.

§ 1001.103 *Invitations for bids; definition.* Except for reference to the particular form titled "Invitation for Bids," as used throughout this section, the terms "invitation" and/or "invitation for bids" shall refer to the prescribed forms containing all information set forth in § 401.201 of this title.

§ 1001.104 *Classified projects.* As a general policy, formal advertising in connection with classified projects will be used only when the project is classified as Restricted. However, formal advertising may be used for projects classified as Confidential when the contracting officer is convinced that the Government's interest will be better served for reasons of enlarged competition and opportunities for small plants, after giving due consideration to security requirements with reference to the data supplied to bidders. Otherwise, classified projects will be negotiated under the provisions of § 402.212 of this title or some other appropriate exception set forth in Part 402 of this title.

SUBPART B—SOLICITATION OF BIDS

§ 1001.201 *Preparation of forms—(a) Invitation for bids—(1) By whom issued.* Invitations for bids will be issued by the contracting office charged with the procurement of the supplies involved, and awards shall be made and contracts shall be signed by a contracting officer.

(2) *Numbering.* As prescribed by § 401.201 (a) (4) of this title each invitation will be assigned and will contain in the upper right hand corner (unless otherwise provided for on printed form) a number consisting of the station number of the office issuing it, if one has been assigned, followed by a dash, the last two numerals of the fiscal year in which the invitation is issued, a dash, and a serial number of the invitation. Only one series will be used under any one station number for each fiscal year, and the first invitation issued in each fiscal year will bear 1 as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters will not be prefixed or suffixed to this number.

(3) *Time to submit.* Invitations for bids will, as a rule, allow 30 days to intervene between the date of issuance and the date of opening bids. A shorter period may be allowed, but no period of less than 10 days will be designated, except in case of emergency. The existence of an emergency will be determined by the contracting officer.

(b) *Schedule.* In addition to the information to be included in the schedule, as set forth in § 401.201 (c) of this title, the following additional information and changes are authorized whenever applicable:

(1) *Discount.* If the discount provisions contained on the prescribed forms are not suitable, the following changes therein may be made:

(i) The discount provisions on the bid form relating to "10 calendar days," "20 calendar days," etc., may be deleted whenever it is definitely known that final acceptance cannot be accomplished, or that payment cannot be effected, within the period of time from date of delivery or from date of receipt of invoice, whichever is later. In order to take advantage of any discounts offered, this authority will be used sparingly.

(ii) In special cases where a prolonged acceptance test is necessary, and the invitations or specifications set a limiting date for acceptance that is more than 20 days after date of delivery, the provision in the form as to computation of discount may be changed to read as follows: "Time, in connection with the discount offered, will be computed from the limiting date set herein for final acceptance." When this change is made, the limiting date for final acceptance must be stated in the invitation.

(2) *Bid bonds.* Whenever it is intended to require that bid bonds with surety or sureties, or other security authorized by law or regulations in lieu of such surety or sureties, shall accompany bids, that fact and the amount of the bid bond required and the periods to be allowed after the opening of bids for the execution of the contracts and bonds, will be stated in the invitation. The invitation will state also that if certified checks are deposited in lieu of surety or sureties, such checks will be drawn to the order of the Treasurer of the United States. (See § 409.102 of this title.)

(3) *Performance of payment bonds.* If performance and payment bonds or a performance bond only will be required, a clause to that effect, indicating the amounts or amount thereof, will be included in the invitation. If no bond is required, the invitation will so state. (See §§ 409.103 and 104 of this title.)

(4) *Liquidated damages.* (i) If liquidated damages are to be imposed for delayed deliveries, a clause covering the conditions thereof, including the amount to be assessed for each day performance is delayed beyond the time fixed for deliveries or performance, will be included in the invitation.

(ii) When the invitation for bids states that liquidated damages will be imposed, there should be included therein a provision to the effect that for the purpose of comparing bids there will be added to each bid, other than the

one offering to complete in the shortest time, an amount equal to the daily liquidated damages named in the invitation for bids multiplied by the number of days that such bidders have named for performance of the work in excess of the days named by the bidder proposing to do the work in the shortest time.

(5) *Time a material factor; no liquidated damages.* When time of delivery is to be a material factor in making the award, and no liquidated damages are to be imposed, the invitation will so state. The invitation also will indicate that the resulting contract, if awarded to other than the low bidder, will recite that it has been awarded on the basis of delivery date promised by the successful bidder and that failure to meet such delivery date will subject the contractor to damages computed on the basis of the difference between his bid and the low bid apportioned according to the number of days of delay. (See 9 Comp. Gen. 65.)

(6) *Bids for partial quantities.* Invitations may provide that bids may be made for any part or all of the quantities advertised therein and, if it is intended to make an award in groups or in the aggregate, the invitation will so state.

(7) *Increase or decrease.* When necessary, in the interest of the Government, to provide for an increase or decrease in the quantity specified in the invitation, at the option of the Government, the maximum percentage of such increase or decrease shall be specified by the contracting officer in the invitation. Such percentage will only in rare cases exceed 25 percent and should not in any case exceed 50 percent.

(8) *Location of plant.* Invitations may provide for each bidder to indicate the location of the particular establishment or plant in which a contract will be performed, if awarded.

(9) *Number of employees.* Invitations will provide that each bidder will indicate the number of persons employed, in order to comply with the provisions of § 400.302-3 of this title.

(10) *Samples.* Samples should not be requested, except when they are absolutely necessary in order to evaluate bids. When samples are required, a statement to that effect should be included in the invitation for bids with a reservation that "bids not accompanied by sample may be rejected."

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 401.201 of this title.

§ 1001.202 *Amendments.* Amendments, if issued, will refer to the number, date of issue, and opening date of the original invitation, will clearly indicate the nature of the changes made therein, the extension of the opening date, if any, and will be serially numbered as issued. For example, the first amendment would be "Amndt 1."

§ 1001.203 *Methods of soliciting bids.* In order to insure full and free competition, invitations for bids shall be distributed to potential bidders and posted in public places. In addition, they may

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be furnished at the issuing office to others having a legitimate interest therein (see paragraph (b) of this section). Paid advertisements will be used only after prior written approval has been secured as set forth in § 1001.206.

(a) Manufacturers and regular dealers regardless of size, who can establish or have established their fitness and ability to fulfill contracts in accordance with conditions and specifications, will be placed on mailing lists for invitations for bids or advance notices (to be followed by invitations for bids). Contracting officers may elect to send either invitations for bids or advance notices (to be followed by invitations for bids), but shall use one method exclusively in each separate procurement action.

(b) To the extent that unclassified invitations for bids are available, they shall be provided at the issuing office to others having a legitimate interest therein. The words "others having a legitimate interest therein" are interpreted to include publishers, trade associations, and operators of procurement information services, whose intention it is to further disseminate information concerning these invitations for bids. However, these organizations shall not be included in the mailing lists to receive invitations for bids.

(c) Invitations for bids for classified work, will be made available only to properly cleared representatives of concerns invited to bid on classified work.

(d) Only the names of persons and firms coming within the purview of paragraph (a) of this section, and Federal Government agencies, such as appropriate procurement information offices, will be placed on the list to receive invitations for bids.

(e) Each contracting office will maintain a current bidders' list containing the names of those persons and firms to whom invitations may be issued. Those who fail to submit bids or respond without adequate justification therefor, or those who habitually fail to submit bids will be removed from the bidders' list for the item or items listed on the invitation(s). See § 1004.403 of this chapter for list of Government-owned manufacturing establishments and supplies which they are capable of manufacturing.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 401.202 of this title.

§ 1001.204 *Distribution of invitations for bids—(a) Unclassified invitations.*

(1) One copy of every invitation for bid and one copy of every amendment to an invitation for bids shall be sent on the date issued direct to Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C., which office is maintained for the public display of invitations for bids issued by both the Army and the Air Force.

(2) Copies of the invitation will be distributed to those persons or firms on the appropriate bidders' list, maintained as set forth in § 1001.203 (e).

(3) One copy of each invitation will be mailed promptly by each of the procurement offices listed below only, to the Department of Commerce Regional Of-

fices, designated in lists furnished to the Commanding General, Air Materiel Command:

- (1) Procurement Division
Air Materiel Command
Wright-Patterson Air Force Base
Dayton, Ohio.
- (2) Watson Laboratory
Redbank, New Jersey.

§ 1001.205 *Synopsis of bid invitations.*

(a) The following procurement offices only will prepare "Synopsis for Bid Invitations" immediately upon completion of the final draft of an invitation for bids:

- (1) Procurement Division
Air Materiel Command
Wright-Patterson Air Force Base
Dayton, Ohio.
- (2) Watson Laboratory
Redbank, New Jersey.

(b) A synopsis of bid invitations will include the name and address of the issuing office, a brief description of the item to be procured, invitation number, date of bid opening or issue date, and date on which requests for invitations should be received at the issuing office to insure provision of bid sets. They also will include a statement that any additional information desired, and/or individual copies of invitations for bids, will be obtained direct from the procuring office issuing the synopsis. Invitations for bids scheduled to be opened less than 18 days from date of issue, and those for purchases aggregating \$1,000 or less, will not be synopsized.

(c) Synopses will be reproduced in sufficient quantities to be made available as follows: (1) Copies of the synopses will be provided at the issuing office for those who wish to pick them up.

(2) A copy of the synopsis will be sent at the end of each day (or as they occur) to the following:

- (i) By air mail to each of the Department of Commerce Regional Offices as shown on lists furnished to the Commanding General, Air Materiel Command;
- (ii) Director of Procurement and Engineering, Headquarters United States Air Force, Attention: Small Business Liaison Officer, Washington 25, D. C.;
- (iii) Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C.

§ 1001.206 *Publication of invitations for bids in newspapers.* The publication of essential details of invitations for bids in newspapers (paid advertisements) may be authorized as indicated below, when this is necessary to secure effective competition, or in view of the quantity, character, or value of the supplies or services to be procured, and if time will permit.

(a) *Authority.* (1) Authority to authorize the publication of advertisements, notices, or proposals has been delegated by the Secretary to:

- (i) Under Secretary of the Air Force;
- (ii) Chief of Staff;
- (iii) Deputy Chief of Staff, Materiel, Headquarters United States Air Force;
- (iv) Commanding General, Air Materiel Command;
- (v) Director, Procurement and Industrial Planning, Headquarters, Air Materiel Command;
- (vi) Chief, Procurement Division, Office of the Director, Procurement and Industrial

Planning, Headquarters, Air Materiel Command.

Such delegated authority shall not be redelegated.

(2) No advertisement, notice, or proposal will be published in any newspaper except in pursuance of written authority for such publication from the Secretary or the appropriate official named above, and no bill for any advertising will be paid unless a copy of such written authority is presented with the bill.

(3) All authority to advertise is granted to the office concerned, not to the officer.

(b) *Requests for authority to place advertisements.* (1) Requests for authority to place advertisements in newspapers will be made upon WD AGO Form 192, "Request for Authority to Advertise," in accordance with instructions in § 1001.206 (h) (1), except that in case of emergency, the nature of which will be stated in the request, authority to advertise may be requested direct by telegraph to the proper official, who will secure the necessary coordination with others concerned.

(2) In making application for authority to advertise, those newspapers in which it is considered advantageous to advertise, will be specified. Due economy will be observed regarding the number of newspapers and the number of insertions, whether advertising under special or general authority, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

(i) Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers.

(ii) General authority authorizes the publication during a fiscal year, as designated, of such advertisements for proposals as may be required by the duties of officers engaged in making frequent purchases or contracts.

(3) In all cases authority to advertise must be secured in advance. Authority will not be granted retroactively.

(c) *Preparation of advertisements.* Except as provided in subparagraph (1) of this paragraph, all advertisements will be solid line, a sample of which, set up in accordance with the usual Government requirements, is shown on Standard Form 1143, Revised (Advertising Order).

(1) When advertising to be set other than solid is authorized, care should be exercised to insure that the specifications are definite, clear, and specific since no allowance will be made for paraphrasing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified in the sworn statement of advertising rates on file in the General Accounting Office. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order, and copies of both documents will be transmitted to the General Accounting Office with the voucher.

(2) Any unnecessary expense to the Government, resulting from failure to observe the requirements of this para-

graph, may be made a charge against the pay of the officer responsible therefor.

(d) *Insertions and limitations*—(1) *Number of insertions.* Ordinarily, advertisements will be given six insertions in daily or four in weekly papers. When more than ten days are to intervene between the date of the first publication and the date of opening of bids, those in the daily newspaper inviting bids will at once be given four consecutive insertions, and immediately before the date of opening two consecutive insertions. In construction projects, such insertions will be placed in sufficient time prior to the date of opening to allow interested bidders to secure plans and specifications and prepare bids. In case of emergency, advertisements may be given one or more insertions, as time and circumstances permit.

(2) *Limitation on time of publication.* No officer will authorize the publication of an advertisement beyond the morning of the day on which the opening of bids is to occur, and no payments will be made for continuing such publication beyond the period authorized.

(c) *Rates*—(1) *Not to exceed commercial rates.* Advertising may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts.

(2) *Sworn statements of publishers.* Rates to be paid will be ascertained from sworn statements of commercial rates furnished by the proprietors, publishers, or authorized representatives of the newspapers or other publications in which Government advertisements are to be placed, as specified in paragraph (b) (2) of this section.

(3) *Not higher than rates charged public.* All advertising in newspapers shall be audited and paid at rates not higher than those charged the general public; but lower prices may be secured whenever the public interest requires it.

(f) *Proof of publication*—(1) *Copy of publication.* Every account for official advertising rendered should be accompanied by a copy of each issue of the publication in which the advertisement appeared. If copies of the publication are not available, an affidavit of publication will be satisfactory if furnished in lieu thereof.

(2) *Copies of newspapers or affidavits.* Copies of newspapers or affidavits in lieu thereof submitted as proof of publication will not be attached to the original voucher, but will be attached to the duplicate voucher, and retained in the disbursing office files until settlement of the disbursing officer's account has been effected by the General Accounting Office.

(3) *Tear sheet.* The provisions of this section will not be construed to preclude the attaching of the tear sheet to the Public Voucher for Advertising (Standard Form 1144, Revised), in the designated place.

(g) *Form*—(1) *WD AGO forms.* WD AGO Form 192, "Request for Authority to Advertise," will be used.

(2) *Standard forms.* (i) The following Standard Forms for Government advertising are hereby prescribed and

published for general use (when available) in lieu of all other forms of like character previously used for this purpose:

Standard Form 1142, Revised (Statement of Advertising Rates—Original).
Standard Form 1142a, Revised (Statement of Advertising Rates—Memorandum).
Standard Form 1143, Revised (Advertising Order—Original).
Standard Form 1143a, Revised (Advertising Order—Memorandum).
Standard Form 1144, Revised (Public Voucher for Advertising—Original).
Standard Form 1144a, Revised (Public Voucher for Advertising—Memorandum).

(ii) The Comptroller General has directed that, in the interest of economy, the present supply of unused Standard Forms 1142, 1142a, 1143, 1143a, 1144, and 1144a, on hand and at the Government Printing Office will be used until exhausted.

(h) *Use of Forms*—(1) *Request for authority to advertise.* WD AGO Form 192 will be used in making application for authority to advertise invitations for bids and will be prepared in triplicate and forwarded through channels to the appropriate official, to whom authority has been delegated by the Secretary to authorize such advertising, as set forth in paragraph (a) of this section.

(i) The original of the Authority to Advertise must be filed with the first voucher making payment thereunder. A copy will be filed with the duplicate voucher.

(ii) Reference to the Authority to Advertise will be made in the space provided for that purpose on all subsequent advertising orders placed during the period embraced in the authorization.

(2) *Statement of advertising rates.* (i) Sworn statements of commercial advertising rates, rendered on Standard Form 1142, Revised, and two memorandums therefor, Standard Form 1142a, Revised, must be furnished by the proprietors, publishers, or authorized representatives of newspapers or other publications in which Government advertisements are placed, and the rates so furnished shall govern the amount to be paid.

(ii) Sworn statements of commercial advertising rates need not be renewed until rates are changed, or unless specially required.

(iii) The original statement of advertising rates must support the first voucher (Standard Form 1144, Revised) paid to the publisher for advertising under those rates. Of the two memorandum copies, one will be filed with the duplicate voucher (Standard Form 1144a, Revised) and the remaining memorandum copy retained in the files of the office which placed the advertisement, for reference in certification of rates for subsequent vouchers.

(3) *Advertising order.* Standard Form 1143, Revised, and memorandum therefor, Standard Form 1143a, Revised, are the forms used to place advertisements with the publishers. The qualifications set forth in paragraph (c) of this section, with reference to the composition of advertising copy, should be noted in connection with the preparation of this form.

(4) *Public voucher for advertising.* (i) The Public Voucher for Advertising, Standard Form 1144, and memorandum therefor, Standard Form 1144a, Revised, will be used by publishers to bill their charges against the department for advertising published in accordance with the advertising order, Standard Form 1143, Revised.

(ii) The original voucher for advertising, Standard Form 1144, Revised, is printed on the reverse of the original advertising order, Standard Form 1143, Revised. The memorandum voucher for advertising, Standard Form 1144a, Revised, is printed on the reverse of the memorandum advertising order, Standard Form 1143a, Revised. Separate instruments will not be used for the ordering of advertising and the payment therefor.

(iii) In connection with the use of this form instructions set forth in paragraph (f) of this section should be followed.

(i) *Payment of accounts.* Upon receipt of Standard Forms 1144 Revised and 1144a Revised, supported by proof of publication, rendered by a publisher, the office placing the advertisement will assemble and attach necessary supporting documents as circumstances dictate, certifying to the second certificate on the original Standard Form 1144, Revised, and submit the account in duplicate to the local finance officer for prompt payment to the publisher.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 401.202-4 of this title.

§ 1001.207 *Information to be furnished prospective bidders.* (a) Information regarding supplies or services for which bids have been invited will be furnished on application to all potential bidders desiring it, except that information concerning classified projects will be furnished only as authorized in current regulations.

(b) The estimated cost of the supplies included in an invitation will not be furnished to prospective bidders nor will such information be shown on any copy of the invitation.

(c) Except for classified projects, prospective bidders will be permitted to examine the standard samples at the place where deposited, furnished with or allowed to examine plans and specifications of all work upon which they desire to bid (a deposit may be required, if necessary), and furnished with any information needed to enable them to act understandingly.

§ 1001.208 *Assistance not to be rendered.* No person employed by or serving with the department will render assistance to bidders in the preparation of bids.

SUBPART C—SUBMISSION OF BIDS

§ 1001.301 [Reserved.]

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 1001.401 *Opening of bids*—(a) *Procedure*—(1) *Unclassified invitations.* The officer whose duty it is to open the bids shall decide when the specified time has arrived, and then will personally and publicly open all bids received and

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read them aloud to those present, and a record of each bid shall then and there be made.

(2) *Classified invitations.* The bid opening of a classified invitation for bids will not be accessible to the general public and no public record will be made of the bid price. However, the bid opening may be witnessed and the results recorded by those suppliers' representatives who have been previously cleared from a security standpoint, if the supplier concerned was invited to bid on the invitation.

(b) *Numbering copies of bids.* The officer referred to in paragraph (a) (1) of this section also will personally number one copy of each bid received, serially, in the order in which the bids were read, and will retain these numbered copies in his possession or under the immediate supervision of an official of the Government as set forth in § 401.401 of this title, until the accuracy of the abstract has been verified.

(c) *Delegation and responsibility.* The procedure described in paragraphs (a) and (b) of this section may be delegated to an assistant, provided that the contracting officer retains full responsibility for the actions of his subordinates.

(d) *Pertinent questions.* Pertinent questions asked at the opening will be answered fully, and the examination of bids by properly interested persons will be permitted as set forth in § 401.401 of this title, provided that such action does not unduly interfere with the conduct of Government business.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.401 of this title.

§ 1001.402 *Recording of bids—(a) Procedure.* For every invitation for bids, an abstract of bids form will be prepared as soon as practicable after bids have been opened or as soon as it is decided to cancel the invitation before opening bids. The abstract will set forth all qualifications, deviations, and/or riders included with the bids.

(b) *Estimates.* For the purpose of this section, estimates received from Government-owned manufacturing establishments, as listed in § 1004.402, will be considered as bids.

(c) *Certification of abstract.* (1) The person opening the bids will:

(i) Verify the accuracy of the abstract by comparing it with the numbered copies of the bids retained by him, and

(ii) Sign the certificate on the abstract that he has personally opened and read all bids and that he has verified the abstract and found it correct.

(2) The person canceling the invitation, making the awards, or rejecting the bids, will sign the appropriate certificate on the abstract as to the action taken by him.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.402 of this title.

§ 1001.403 *Rejection of bids—(a) Rejections authorized to be made by the contracting officer.* (1) All bids may be rejected by the contracting officer:

(i) When he finds in writing that the bids are not reasonable, or were not in-

dependently arrived at in open competition, or are collusive, or were submitted in bad faith. All rejections under this subparagraph will be reported through channels to the head of the procuring activity concerned. Reports of possible violations of the antitrust laws or of any other Federal criminal statutes relating to procurement shall be made in accordance with § 1000.113; or

(ii) When otherwise in the public interest.

(2) The lowest bid as to price shall be rejected by the contracting officer if:

(i) The bid does not conform to the essential requirements of the invitation for bids; however, any such bid may be considered when in the interest of the Government and not prejudicial to the other bidders;

(ii) The bidder is, at the time, a disqualified bidder; or

(iii) The bidder is unable to furnish satisfactory evidence that he is responsible: *Provided*, That if a performance bond is required, rejection under this subparagraph shall be subject to the approval of the head of the procuring activity concerned or such person as he may designate. Determination as to whether a bidder is a responsible bidder in that the bidder is "financially and otherwise able to perform" (§ 401.406-1 (b) of this title) shall take into account the following factors:

(a) Bidders' experience (skill of supervisory and operating personnel in work of kind or type being procured);

(b) Reputation of bidder (actual performance as to quality and delivery on previous Government contracts, or delinquent deliveries on current contracts);

(c) Adequacy of bidders' facilities to perform the work (sufficient machine tools, dies, jigs, gauges, buildings, inspection procedures, etc.);

(d) Financial resources to do the work, taking into consideration the delivery schedule, inventories, and payment rate on the proposed procurement;

(e) Adequacy of number of personnel employed (engineers, laboratory technicians, tool makers, machinists, etc.)

(b) *Rejections requiring authority of the head of the procuring activity.* (1) Except as provided in paragraph (a) of this section, a low bid will not be rejected without the authority of the head of the procuring activity concerned.

(2) When the lowest bid is from a firm which is not a manufacturer or regular dealer and it is considered desirable to reject such bid, request will be made to the head of the procuring activity concerned for authority to reject this bid and to authorize the award to the next lowest bidder. In forwarding such requests, contracting officers will be careful to verify all statements contained therein which are given as the basis for rejection, in order that there may be no just cause for complaint.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.403 of this title.

§ 1001.404 *Mistakes in bids—(a) Mistakes other than obvious or apparent mistakes of a clerical nature.* Mistakes in bid cases to be processed to the General Accounting Office shall be sub-

mitted by the contracting officers direct to the Comptroller General, supported by the data specified in § 401.405-2 of this title. Letters of transmittal should be forwarded by the most expeditious means and marked "Immediate Action—Mistake in Bid" so that the necessity for prompt decision will be clearly indicated on the face of the correspondence, and should refer to 16 Comp. Gen. 567. An information copy of each letter of transmittal to the Comptroller General shall be forwarded direct to the Director of Procurement and Engineering Headquarters United States Air Force.

(b) *Copy of instructions to disbursing officer.* In the event award is made to the bidder alleging the mistake, the contracting officer will furnish a copy of such resulting instructions as he may receive in the premises, or copy of the decision of the Comptroller General, if any, to the disbursing officer making payments under the contract, in order that such instructions or decisions may be used by the disbursing officer in support of any payment made by him.

(c) *Disclosure of mistakes after award.* When an alleged mistake in a bid is disclosed after award has been made, the case shall be forwarded, through channels, to the Deputy Chief of Staff, Materiel, Headquarters United States Air Force, for submission to the Comptroller General. Such cases will be supported by all data required to support other mistake in bid cases, as set forth in § 401.405-2 of this title, and in addition, there will be furnished: the originals or copies of all correspondence in the matter; a copy of the bid; and a copy of the acceptance.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.405 of this title.

§ 1001.405 *Awards—(a) Liquidated damages.* When liquidated damages are to be imposed, the formula for comparing prices bid is set forth in § 1001.201 (b) (4) (ii).

(b) *Price escalation.* When bids are received that include price escalation which, if added to the base price, will still result in a lesser bid price with maximum escalation than that offered by a bidder submitting a fixed price bid, award will be made to the bidder whose net cost is the lowest to the Government; provided that the bid is responsive and determined satisfactory to the Government with respect to all factors in the invitation. This applies to invitations for bids which do not provide for escalation.

(c) *Equal bids.* (1) Notwithstanding the provisions of § 401.406-4 of this title, awards shall be made in accordance with the following principles:

(i) Subject to subdivisions (ii), (iii) and (iv) of this subparagraph:

(a) In the case of equal low bids, one of which is submitted by a small business concern, award shall be made to the small business concern, and

(b) In the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(ii) Where two or more equal low bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, award shall be made to the small business concern who will perform the contract in the distressed employment area.

(iii) In the case of equal low bids, two or more of which are submitted by small business concerns who will perform the contract in a distressed employment area, award shall be made by a drawing by lot, limited to the small business concerns in the distressed employment area.

(iv) Where two or more equal low bids are received, one bid being from a small business concern not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

(2) Except as set forth in subparagraph (1) of this paragraph, the provisions of § 401.406-4 of this title with respect to equal low bids will apply.

(3) In each case where an award is made pursuant to the above, the Statement and Certificate of Award (Standard Form 1036) will recite briefly the circumstances under which award was made and shall contain a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business expressed in section 2 (b) of the Armed Services Procurement Act of 1947 (62 Stat. 21; 41 U. S. C. Sup. 151-161), or will further the President's policy with respect to distressed employment areas, or both, as the case may be.

(4) For the purpose of the above, a small business concern is a concern whose aggregate number of employees, including its affiliates, is less than 500. Equal bids are defined as two or more bids that are equal in all respects, taking into consideration cost of transportation, cash discounts and any other factor properly to be considered.

(d) *Authority and procedures for making awards.* (1) When a contracting officer has invited and received bids he will, subject to such further approval as may be required, make the award and execute the necessary papers, unless all bids are rejected.

(2) When bids are received by a contracting officer not authorized to make the award, the bids and the abstract of bids will be forwarded to the officer authorized to make the award (approving officer), with the recommendations of the contracting officer receiving the bids and of intermediate authorities as to the bidder to whom the award should be made.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.406 of this title.

§ 1001.406 *Reporting equal bids.* The following procedures shall govern the reporting information relative to equal or identical bids:

(a) In all cases, whether or not covered by paragraph (b) of this section, where any facts come to the attention of the contracting officer, indicating violation of the antitrust laws, the mat-

ter will be handled pursuant to current directives.

(b) All bids received by the Procurement Division, Headquarters, Air Materiel Command, Watson Laboratories, or by the Air Materiel areas, which, when recorded on the abstract of bids, indicate an equal bid price on their face, irrespective of whether the bidders are successful, will be reported by Headquarters, Air Materiel Command, to the Director of Procurement and Engineering, Headquarters, United States Air Force. Headquarters United States Air Force will further transmit the report to the Department of Justice.

§ 1001.407 *Information to bidders—*

(a) *Responsibility of contracting officers.* All contracting officers are charged with the responsibility of making every possible effort to furnish authorized information to bidders or their accredited representatives, to make complete response to their proper questions, and to explain the action which has been taken by the department. If this is impossible a reasonable explanation shall be made to the bidder. Before giving the information to representatives of bidders, the contracting officer should satisfy himself that information furnished is for the exclusive use of the bidder and that it will not come into the hands of persons not authorized to receive it.

(b) *Information concerning awards made.* (1) In the case of formally advertised procurements, contracting officers will notify unsuccessful bidders that their bid was not accepted, and extend the appreciation of the procuring activity for the interest the unsuccessful bidder has shown in submitting a bid.

(2) Should additional information be requested concerning an unclassified invitation, contracting officers shall either provide the unsuccessful bidder or supplier invited to bid with the name and address of the successful bidder, together with the contract price, or inform the inquirer that a copy of the abstract of bids is available for inspection in the purchasing office and in the Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C.

(3) In the case of classified invitations, information regarding the name of the successful bidder and the contract price will be furnished only to unsuccessful bidders or suppliers invited to bid, and then only upon request. No information regarding a classified opening may be furnished by telephone.

(4) In no event shall cost breakdowns or other cost or profit information submitted by any supplier be revealed to any other supplier.

(5) If a request is received from an inquirer who is not a bidder or representative of a bidder, concerning an unclassified invitation for bids, the contracting officer may furnish the names of the successful bidders and the prices at which awards were made. In cases where such requests require a large amount of work, the inquirer should be informed where a copy of the abstract of bids may be seen by a representative of his office.

(6) The procedures set forth above are not intended to apply to requests

for general information as to purchases made over extended periods of time, such as one for information as to the number of parachutes purchased during a year and the prices paid therefor. Such requests will be returned and the inquirer informed that it is not the policy of the Air Force to compile and disseminate such information.

(7) For instructions regarding release of price information and notification of unsuccessful suppliers who submitted quotations in connection with a negotiated procurement, see § 1002.104 of this subchapter.

(c) *Notice of protest against award.* Notice will be given promptly to all bidders affected thereby of any protest or objection against the awarding of a contract to any particular bidder, in order that if the interested parties so desire they may take action in their own behalf before further steps are taken in the matter of awarding the contract.

(d) *When all bids are rejected.* When it has been decided to reject all bids and the lowest bid received is in excess of \$25,000 the contracting officer will, if otherwise expedient, inform each bidder of the fact that all bids have been rejected and the reason for such action.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 401.407 of this title.

§ 1001.408 *Distribution of bids and abstracts—*(a) *Contracting officer.* The original of all rejected and unsuccessful bids, a copy of the accepted bid, and a copy of the abstract of bids will be retained by the contracting officer. All rejected bids will be kept available for inspection by the duly authorized representatives of the General Accounting Office and will be forwarded to that office upon request therefor, when required in individual cases.

(b) *General Accounting Office—*(1) *Accepted bid.* The original of the accepted bid will be attached to the signed number of the contract or purchase order intended for the General Accounting Office.

(2) *Acceptance of lowest bid as to price.* When the lowest bid as to price is accepted, that is, where the lowest bidder is determined from the price alone, no offsetting or equalizing elements being for consideration, and when a certificate (on reverse of Standard Form 1034, or Standard Form 1036, as the case may be) to that effect is furnished by a responsible administrative officer having personal knowledge of the facts, neither the rejected bids nor an abstract need be forwarded to the General Accounting Office with the contract. When the abstract of bids is not furnished to that office, the items accepted on any particular bid will be indicated on the original number of the bid which is furnished to that office.

(3) *Acceptance of other than lowest bid as to price.* In all cases, where other than the lowest bid as to price is accepted, there will be furnished the General Accounting Office on Standard Form 1036 (Statement and Certificate of Award) a detailed statement giving in full the reasons for the acceptance thereof, together with an abstract of all bids lower than the one accepted.

(c) *Procurement information center.* Within three days after bids have been opened and final action taken thereon, or after it is decided to cancel the invitation before opening of bids, a copy of the abstract will be mailed direct to the Procurement Information Center, Office of the Assistant Secretary of the Army, Washington 25, D. C.

SUBPART E—QUALIFIED PRODUCTS

§ 1001.501 *Responsibilities for operation and administration.* Pursuant to the provisions of Subpart E, Part 401 of this title, the Commanding General, Air Materiel Command, is responsible for the operation and administration of qualified products and shall issue whatever instructions are necessary to carry out the following:

(a) Selection of the type products to be covered by an Air Force Qualified Products List.

(b) Circularization of known manufacturers of such products with information on the Air Force policies and procedures and affording prospective sources an opportunity to comply with the terms thereof.

(c) Designation of the time and place for tests and furnishing necessary instructions to manufacturers relative to the submission of products to be tested.

(d) Determining the nature and extent of tests required and conducting the tests or designating the agency for conducting the tests.

(e) Determining the acceptability of products and approval of products qualified under the latest issue of the applicable specification for inclusion in the Qualified Products List.

(f) Publication, administration, and distribution of the Air Force Qualified Products Lists.

(g) Procurement of qualified products in accordance with § 401.505 of this title.

§ 1001.502 *Determinations.* The Commanding General, Air Materiel Command, shall have the authority to make any determinations called for under the provisions of Subpart E, Part 401 of this title.

PART 1002—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

Sec.

- 1002.101 General requirements for negotiation.
- 1002.102 Policy.
- 1002.103 Records and reports of negotiated contracts.
- 1002.104 Release of price information and notification of unsuccessful suppliers.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

- 1002.201 National emergency.
- 1002.202 Purchases not in excess of \$1,000.
- 1002.203 Personal or professional services.
- 1002.204 Suitable advance publicity.
- 1002.205 Supplies or services for which it is impracticable to secure competition by formal advertising.
- 1002.206 Technical equipment requiring standardization and interchangeability of parts.
- 1002.207 Negotiation after advertising.
- 1002.208 Otherwise authorized by law.

SUBPART C—DETERMINATIONS AND FINDINGS

- 1002.301 Nature of determinations and findings.

Sec.

- 1002.302 Restrictions on determinations and findings by a contracting officer.
- 1002.305 Distribution of copies of determinations and findings.

SUBPART D—TYPES OF CONTRACTS

- 1002.402 Cost-plus-A-Fixed-Fee contract; limitations on fixed fee.
- 1002.403 Time and materials contract.
- 1002.404 Letter contracts or letters of intent.
- 1002.405 Other types of contracts.

SUBPART E—ADVANCE PAYMENTS

- 1002.501 Financing of Government contracts for supplies and services.
- 1002.502 Authority to make advance payments.
- 1002.503 Security.
- 1002.504 Interest.
- 1002.505 Reports.

AUTHORITY: §§ 1002.101 to 1002.505 issued under R. S. 161, sec. 202, 61 Stat. 590, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151-161.

DERIVATION: AFM 70-6.

SUBPART A—USE OF NEGOTIATION

§ 1002.101 *General requirements for negotiation.* No contract shall be entered into as a result of negotiation unless or until the following requirements have been satisfied:

(a) Contemplated procurement comes within one of the circumstances permitting negotiation enumerated in Subpart B, Part 402 of this title;

(b) Necessary determinations and findings prescribed in Subpart C, Part 402 of this title have been made; and

(c) Business clearance or approval as prescribed by these procedures and applicable procuring activity instructions has been obtained.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.102 of this title.

§ 1002.102 *Policy—(a) Reduction in cost of supply contracts.* It is the policy of the Air Force to consider all negotiated procurements with the incentive or increased profits approach. This approach should be with the aim that the ultimate cost to the Government would be less than without such an approach. Negotiations should be so conducted and on such features as will give reasonable assurance that ultimate prices will be reduced. Care must therefore be exercised in establishing target or base prices which will reveal a fair profit only if efficiency and economy are exercised and that greater profits are possible on increased efficiency, economy, and ingenuity.

(b) *Time factor in effecting procurement and extended negotiations.* (1) It is the policy of the Air Force to effect procurements in the most expeditious manner consistent with statutes and directives. After a negotiation has been reviewed from all angles it should be resolved with expedition and not unnecessarily delayed by the use of prolonged negotiations which of themselves will not produce any substantial benefits to the Government. Extended bargaining designed to effect prices below that which is fair and reasonable is contrary to Air Force policy.

(2) Extended negotiations should be avoided when the Government's interests may be otherwise protected by provisions of the contract such as repricing at appropriate times, or when matters may be resolved by future action closer to the facts than attempting to resolve them by conjecture. Buyers are reminded that if the item is subject to renegotiation and an adamant position is taken by the supplier, but extended negotiations would be injurious to the Government because of the timely need of supplies, such fact should be furnished to the department having surveillance over renegotiation so that due consideration may be given in the function of renegotiation.

(c) *Basic agreements.* (1) Whenever it is deemed appropriate in the interests of expeditious and simplified procurement it is the policy of the Air Force to use basic agreements when placing multiple procurements with contractors. The use of basic agreements is restricted to Headquarters, Air Materiel Command, Procurement Division.

(2) A basic agreement is a written instrument entered into by mutual understanding and signed by authorized representatives of the contractor and the Government, that establishes standard terms and conditions which are to apply to any negotiated contracts of a specific type which may be executed by the two parties during the life of the basic agreement. Its purpose is to incorporate into one instrument, of extended application and indefinite duration, those contract provisions which will be standard to every contract with a particular concern, thus eliminating their negotiation for each particular contract. When applicable, the basic agreement, by reference, will be made a part of each negotiated contract subsequently entered into with the contractor.

(3) The basic agreement may be terminated upon adequate written notice by either party but may not be changed unilaterally unless a change is required by statute. Basic agreements are subject to these additional limitations:

(i) They will not be used in procurements resulting from formal advertising.

(ii) They will not deal with price, delivery, description of articles, or any other matters peculiar to a specific procurement.

(iii) They will not be construed as instruments for the obligation of funds.

§ 1002.103 *Records and reports of negotiated contracts—(a) Records for reporting purposes.* See § 1000.112 of this subchapter.

(b) *Records of individual negotiated contracts.* A record of each negotiated procurement will be maintained in the contracting office. The record will indicate the extent of competition, including the names and addresses of the bidders requested to submit quotations, and the results thereof; and whether contact was made in writing, in person, by telephone, or other means; or will explain the absence of competition. See § 402.308 of this title.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.103 of this title.

§ 1002.104 *Release of price information and notification of unsuccessful suppliers.* (a) In the case of negotiated contracts, contracting officers will notify unsuccessful suppliers who submitted quotations of the fact that their proposals were not accepted, and extend the appreciation of the procuring activity for the interest the unsuccessful supplier has shown in submitting a proposal.

(b) Should additional information be sought by suppliers invited to submit quotations, contracting officers shall furnish the name and address of the successful supplier and the actual or approximate contract price, but, as a general rule, shall not reveal the names of other unsuccessful suppliers or the amounts and conditions of their quotation. Information concerning a classified negotiated contract may not be furnished by telephone.

(c) In no event shall cost breakdowns or other cost or profit information submitted by any supplier be revealed to any other supplier.

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

§ 1002.201 *National emergency.* This authority shall be used only to the extent determined by the Secretary to be necessary in the public interest. When, and if, the Secretary determines that contracts may be negotiated under § 402.201 of this title, appropriate procedures will be prescribed by amending this section.

§ 1002.202 *Purchases not in excess of \$1,000.* The authorization contained in section 2 (c) (3), 62 Stat. 21; 41 U. S. C. Sup. 151 to negotiate contracts without formal advertising if the aggregate amount involved does not exceed \$1,000, does not modify the fundamental principle that supplies and nonpersonal services will be obtained as the result of competition. In general, at least two informal quotations of prices will be requested from regular dealers in, or manufacturers of, the articles required. Where circumstances permit, quotations will be solicited from all such qualified sources as are deemed necessary by the contracting officer to assure full and free competition consistent with the procurement. The authorization contained in § 402.203 of this title will be used in the case of purchases aggregating \$1,000 or less rather than any of the other authorizations set forth in subpart B, part 402 of this title. For example: a purchase of perishable subsistence supplies aggregating \$1,000 or less will be made under section 2 (c) (3) of the act rather than section 2 (c) (9). As to records of negotiated purchases see § 1002.103 (b).

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.203 of this title.

§ 1002.203 *Personal or professional services.*—(a) *Application.* The general authority contained in § 402.201-4 of this title will be used only with respect to contracts for personal or professional services which are otherwise specifically authorized by law.

(b) *Specific authorization; statutory authorities.* (1) Section 15 of the Act

approved August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a) provides:

The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases each service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act.

(2) National Military Establishment Appropriation Act, 1950 (Public Law 434, 81st Congress), approved October 29, 1949:

Sec. 601. During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, and Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

(c) *Services authorized.* The statute quoted in paragraph (b) (2) of this section, affects each Department contract for expert or consultant services (such as architectural, engineering, technical or professional services) made with any individual or made with a firm or corporation which is engaged primarily in the business of furnishing such services, and, each Department contract for the employment of the services of accountants or other experts to assist in inaugurating new or changing old methods of transacting business of the Department. Except as above stated, it does not apply to any contracts with firms or corporations for services related to the development, invention, design, procurement, production, repair, or maintenance of supplies, matériel or facilities, or to any other type of Department contract.

(d) *Approval required.* Each such contract described in § 1002.202 (c), regardless of amount, and each award of any such contract, and each supplemental agreement or change order making a material change in such a contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and each such contract, supplemental agreement or change order will be forwarded by the head of the procuring activity involved for approval of the Secretary, to the Deputy Chief of Staff, Matériel. The head of the procuring activity in recommending approval, will refer specifically to the applicable statutes and will furnish a full statement of facts, supporting findings and determination

required by that statute to be made by the Secretary.

(e) *Limitation on compensation.* Where each such contract described in paragraph (c) of this section is with an individual, it will expressly set forth the compensation payable to him and in no case shall this compensation exceed \$50 a day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty station and return.

§ 1002.204 *Suitable advance publicity.* The contracting officer shall insure that the advance publicity, as required by §§ 402.207 and 402.208 of this title, is such that full and free competition is solicited from all qualified suppliers for a period of at least 15 days wherever practicable.

§ 1002.205 *Supplies or services for which it is impracticable to secure competition by formal advertising.* All contracts and supplemental agreements for the procurement of electric service of 500 kilowatts demand load or more and all other utility service contracts and supplemental agreements (water, gas, sewage disposal, etc.) with estimated costs of \$10,000 a year or more will be forwarded direct from the several command headquarters to Director of Installations, Headquarters United States Air Force, Washington 25, D. C., for review of rate schedules and technical sufficiency. Supplements which will increase basic contracts above the limitations set forth above will be forwarded for approval in the same manner, even though the basic contract did not require such approval. All such contracts and supplements found to be satisfactory as to rate schedules and technical sufficiency will be returned through Headquarters, Air Matériel Command, for review as to legal sufficiency, procurement clearance, and final approval.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.210-2 (e) of this title.

§ 1002.206 *Technical equipment requiring standardization and interchangeability of parts.* In addition to the requirement of a determination by the Secretary prior to negotiation, as set forth in § 402.213, equipment may be standardized within the meaning of this section, only upon specific approval of the Secretary in each case. Requests for approval of standardization of equipment will be forwarded by the head of the procuring activity concerned to the Deputy Chief of Staff, Matériel, Headquarters United States Air Force, for submission to the Secretary. The requests will contain a full statement of facts concerning the necessity for the standardization.

§ 1002.207 *Negotiation after advertising.*—(a) *Limitation.* The term "rejection of all bids" appearing in § 402.215-2 of this title is interpreted to mean "rejection of all unreasonable bids."

(b) *Interpretation.* (1) The above interpretation has been informally agreed to by the General Accounting Office and will permit the following action:

(1) Award to low bidders at reasonable prices for items or quantities on which reasonable bids are received;

(ii) Rejection of all other responsive bids following a determination by the Secretary that such bid prices, after formal advertising, are not reasonable.

(2) After the determination by the Secretary that such bid prices, after formal advertising, are not reasonable and after a rejection of all unreasonable bids, no contract shall be negotiated under this authority unless:

(i) Prior notice of intention to negotiate, and a reasonable opportunity to negotiate has been given to each responsible bidder who has submitted a bid under the invitation for bids; and

(ii) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the Secretary; and

(iii) The negotiated price is the lowest negotiated price offered by any other responsible supplier.

CROSS REFERENCE: For section of the Armed Services Procurement Regulation which this section implements see § 402.215 of this title.

§ 1002.208 *Otherwise authorized by law—(a) Application.* Except as indicated in subparagraph (1) of this paragraph, contracts will be negotiated under authorities other than those set forth in §§ 402.201 to 402.216 of this title, only upon the approval of the Secretary. Requests for approval will contain a statement of pertinent facts and reasons therefor, and will be submitted through the head of the procuring activity concerned to the Director of Procurement and Engineering, Headquarters United States Air Force.

(1) *Transportation services.* Transportation services under authority of section 321, part III, Interstate Commerce Act, September 18, 1940, 49 U. S. C. 65.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.217 of this title.

SUBPART C—DETERMINATIONS AND FINDINGS

§ 1002.301 *Nature of determinations and findings.* Determinations and findings, referred to throughout Part 402 of this title, may be made with respect to classes of purchases or contracts only by the Secretary. The policy of the department is to make such class determinations only under very exceptional circumstances.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.301 of this title.

§ 1002.302 *Restrictions on determinations and findings by a contracting officer.* The determinations required by §§ 402.404, 402.405, and 402.406 of this title, with respect to the use of a cost or a cost-plus-a-fixed-fee contract or an incentive-type contract may be made by the head of a procuring activity as provided in § 402.303 (b) of this title, or his duly authorized representative, except that it may not be made by a contracting officer.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.304 of this title.

§ 1002.305 *Distribution of copies of determinations and findings—(a) Individual determinations.* One copy of each findings and determination shall be sent to the General Accounting Office with the copy of the contract negotiated and executed thereunder. The original copy of each findings and determination shall be filed with the signed copy of the contract retained in the official files of the contracting office or procuring activity concerned. Additional copies will be distributed in accordance with instructions issued by the head of the procuring activity concerned.

(b) *Class determinations.* One copy of each findings and determination with respect to a class of contracts shall be sent to the General Accounting Office with the copy of each contract negotiated thereunder. The original copy of the findings and determination shall be retained in the files of the contracting office or procuring activity. Additional copies will be distributed in accordance with instructions issued by the head of the procuring activity concerned.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.307 of this title.

SUBPART D—TYPES OF CONTRACTS

§ 1002.402 *Cost-plus-a-fixed-fee contract; limitations on fixed fee.* In no case will the fixed fee exceed the percentages of estimated cost authorized by section 4 (b), 62 Stat. 22; 41 U. S. C. Sup. III 153, and only in the most unusual circumstances will the authority be granted to exceed the percentages set forth in § 402.406-2 of this title. To obtain the approval of the Secretary to exceed the prescribed percentages for a fixed fee, the initiating agency will forward a request containing a full statement of facts and recommendations through the head of the procuring activity concerned to the Director of Procurement and Engineering, Headquarters United States Air Force. The requests shall contain information pertaining to the type of procurement (Research or Development, Architectural or Engineering, etc.) need for the supplies or services, estimated total cost, and percentage of fixed fee proposed, and all other pertinent information.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.406-2 of this title.

§ 1002.403 *Time and materials contract—(a) Restrictions on use of.* The time and materials type of contract shall be used only under the conditions set forth in § 402.407 and subject to such approval as is required by the appropriate procuring activity instructions.

(b) *General.* The buying of articles or services on the basis of direct labor at specified hourly rates (which rates are intended to include wages, overhead, and profit) and material at cost, is usually referred to as the "time and material" or "labor-hour" system of purchasing. The system was developed primarily for use in those situations where it was not possible at the time of placing the order or contract to estimate accurately the amount or duration of the work or to

anticipate costs with any substantial accuracy, and has been employed to some extent in the procurement by the department or by cost-plus-a-fixed-fee contractors of (1) engineering and design services in connection with production of supplies, (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges and special machine tools, (3) repair work of various kinds, and (4) outside work on regular production in emergency cases.

(c) *Conditions on use.* In the restricted situations where this system is permitted to be used, the heads of procuring activities will assure that reasonable precautions are taken to prevent the abuses to which it is susceptible. In this connection it is important that particular care be exercised to select firms of known integrity and efficiency, and that the use of complete, clear and definite orders or contracts be insisted upon. Adequate control will also require that all time and material or labor-hour purchase orders or contracts issued by a cost-plus-a-fixed-fee prime contractor be approved by the contracting officer.

(d) *Adequacy of contract provisions.* In determining the adequacy of the provisions of any such orders or contracts where their use is permitted, consideration of the following basic elements will be helpful:

(1) *Labor.* Only direct labor should be included in the billing and the types of labor or work to be included in the category of direct labor should be specified. Also, it should be specified that the time of nonproductive personnel will not be included in direct labor. Normally the time of partners, officers, supervisors, foremen, clerks, typists, timekeepers, material handlers, stockroom employees, tool crib attendants, cleaners, janitors, maintenance men, packers, watchmen, truck drivers, and receiving and shipping employees, would normally be considered as nonproductive work.

(2) *Hourly rate.* Separate rates should be specified for engineering and design, and manufacturing and construction work. Separate rates should also be quoted for normal time, overtime, and double time work where overtime and double time are necessary.

(3) *Cost of materials.* The materials for which reimbursement is to be made should be adequately specified and should be billed at cost and without the addition of any so-called handling charge or profit. For example, it may be specified that material cost will include only raw materials and fabricated parts entering directly into the products; that purchases made specifically for the contract may be charged at their actual cost; that materials withdrawn from stores may be charged at cost under any recognized method of pricing conforming to sound accounting practices and consistently followed; and that incoming transportation charges may be included. Provision should be made for a reduction in cost of materials for cash and trade discounts, rebates and allowances, and the value of resulting scrap, where the amount of such scrap is appreciable.

(4) *Overtime.* To prevent excessive overtime and double time a provision

having substantially the effect of one of the following should be employed:

(i) The vendor (person or firm with whom the time and material or labor-hour order is placed) should covenant that the amount of overtime and double time used on the work will be fair and reasonable and will be in accordance with the exigencies of the particular job. (This will support any claims on account of excess overtime developed by an audit.)

(ii) The vendor should specify the maximum amount of overtime and double time, if any, which he anticipates will be required for the job, and should agree that this amount cannot be exceeded without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(iii) The vendor should agree that no overtime or double time may be used on the work without the prior written approval of the contracting officer or contractor, as the case may be, placing the order.

(5) *Subcontracting by the vendor.* The vendor will not be permitted to derive any profit on account of subcontracting a portion of the work. Where subcontracting is contemplated or is to be permitted, it should be provided that the amount billed on account of such work will neither exceed the amount charged therefor by the subcontractor nor the rates for such work regularly agreed upon between the vendor and the subcontractor. To control the amount of subcontracting, provision may be made that the vendor cannot subcontract any portion of the work in excess of a stated percentage without the prior written approval of the contracting officer or contractor, as the case may be, placing the order. Provision should be made that there can be no subcontracting by a vendor at an hourly rate which exceeds the vendor's hourly rate, without the prior written approval of the contracting officer.

(6) *Records.* Provision will be made that the vendor will maintain detailed, complete and accurate accounting records on a job order basis; that the hours of labor will be supported by individual daily job time cards preferably signed by the workers performing the services and in all cases by evidence of actual payment; that material charges will be supported by paid invoices or storeroom requisitions; and that the records will be preserved for a period of at least three years.

(7) *Invoices.* A contractor placing a time and material or labor-hour order should require the vendor to support all invoices by a certificate that the amount billed is correct and just. In this connection, a contractor placing such an order may be required to furnish a supporting certificate that the prices stated in the invoice are fair and reasonable or are not excessive.

(8) *Audit.* Provision should be made that the representatives of the Government and the contractor placing the order, or either of them will be permitted to inspect and audit the books and records of the vendor and will have the right to determine the correctness

and propriety of the costs charged. Provision should also be made that any overcharge found will be promptly refunded.

(9) *Excessive use of unskilled labor.* The vendor may be required to covenant that employees used on the work will on the average be as efficient as the average for the departments of his plant concerned.

(e) *Limiting price.* In any case or class of cases where the head of the procuring activity is of the opinion that the use of a limiting price will be effective and practicable in reducing costs, a provision should be incorporated in such contracts or orders that payment will be made on a time and material basis but not in excess of a stated maximum figure.

(f) *Definite hourly rate.* A definite hourly labor rate must be stated at the time of issuance in all orders intended to be priced on a time and material or labor-hour basis. In the exceptional emergency cases where work must be started before the rate is agreed upon, the complete confirming order must be issued as soon as possible and in any event prior to completion of a substantial portion of the work.

(g) *Audit instructions.* Reference to instructions for audit of Time and Material Vendor's Charges prepared by the Auditor General will be helpful in the consideration of effective control measures in particular cases. Copies of such instructions may be obtained from regional auditor's offices or the Auditor General, Headquarters United States Air Force, Washington 25, D. C.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.407 of this title.

§ 1002.404 *Letter contracts or letters of intent.* Letter contracts and letters of intent will not be used by activities, except those under the jurisdiction of the Commanding General, Air Materiel Command, without the prior approval of the Deputy Chief of Staff, Materiel. Request for authority to use a letter contract or a letter of intent will be forwarded through the head of the procuring activity concerned and will include a statement of facts concerning the proposed procurement, such as estimated cost, reasons why preliminary contract is necessary, and date definitive contract will be executed. This type of contract shall be used by activities under the jurisdiction of the Commanding General, Air Materiel Command only when one of the conditions set forth in § 402.408 of this title exists, and subject to such approval as is required by the Commanding General, Air Materiel Command.

§ 1002.405 *Other types of contracts.* The amount of a fixed-price contract for architectural or engineering services relating to any public work or utility project may not exceed six percent of the estimated cost of such project. For cost-plus-a-fixed-fee contracts of this type see § 402.406-2 of this title.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.409 of this title.

SUBPART E—ADVANCE PAYMENTS

§ 1002.501 *Financing of Government contracts for supplies and services—(a) Policy.* The policy of the Air Force is to require contractors furnishing supplies or services to be able to perform the contract with their own funds or with private financial assistance. In negotiated procurements, Government assistance may be granted contractors by providing for expeditious reimbursements to contractors for proper expenditures under cost and cost reimbursement type contracts and by the use of partial payments in connection with fixed price contracts. The benefits of Government assistance to the contractor should be reflected in the negotiations of any particular procurement.

(b) *Exceptions.* Exceptions to the above policy may be made in such instances in negotiated procurements where the contractor is particularly adapted in the supplying of the items or services to be procured but whose capital is limited and where commercial or private financing is unobtainable. In such cases, consideration will be given to the use of Government financing by way of advance payments under such terms and conditions as the Under Secretary of the Air Force may prescribe.

§ 1002.502 *Authority to make advance payments.* Requests for authority to make advance payments (original and 6 copies) in each instance will be submitted through the head of the procuring activity concerned to the Director of Procurement and Engineering, Headquarters United States Air Force, who will secure the coordination of the Director of Finance and forward to the Under Secretary for approval or disapproval. Requests for approval of advance payments may be presented before or after awarding of contract. The requests will contain or be accompanied by the following:

(a) Form of determinations and findings (see § 1002.303 (c)) prepared for the signature of the Under Secretary of the Air Force.

(b) A statement that no other means of adequate financing is available to the contractor. (This will not be required in connection with nonprofit research and development contracts with educational institutions.)

(c) A statement that no other contractors which do not require advance payments are available to furnish the desired supplies or services. (Unnecessary if request for advance follows award of contract.)

(d) Detailed information as to proposed security and expression of opinion as to the adequacy thereof. A recommendation whether advance payment bonds should be required also will be submitted.

(e) Information as to the general character and responsibility of the contractor as well as comments as to technical ability to perform the contract.

(f) The terms of the proposed advance and plan of liquidation.

(g) Recent balance sheets and profit and loss statements. (Unnecessary in advances to educational institutions.)

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(h) Copy of the contractor's letter of request for advance payments.

(i) Financial and budgetary data such as forecast of cash income and outlay. (Unnecessary in advances to educational institutions.)

(j) A copy of the procurement contract or details concerning proposed contract.

(k) Any other information considered necessary to a proper decision.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 402.502 of this title.

§ 1002.503 *Security.* (a) Advance payments shall be authorized only when adequate security is furnished by the contractor. It is impossible to state a fixed rule as to requirements; however, as a minimum, the security measures in Contract Clause entitled "Advance Payment" as set forth in Part 406 of this title, should be obtained.

(b) In connection with the depository bank provisions, the contractor shall obtain, execute, and transmit to the head of the procuring activity concerned six copies of an agreement executed by each bank in which a special bank account is established, substantially in the following form:

AGREEMENT

Agreement entered into this _____ day of _____, 195____, between the United States of America, represented by the contracting officer executing this agreement, hereinafter called the Government and _____

(Contractor)

a corporation organized and existing under the laws of the State of _____ hereinafter called the contractor, and _____, a banking corporation of the State of _____ located _____, hereinafter called the bank.

RECITALS

(a) Under date of _____, 195____, the Government and the contractor entered into contract No. _____, or a supplemental agreement thereto, providing for the making of certain advance payments to the contractor.

(b) Said contract or supplemental agreement requires that amounts advanced to the contractor thereunder be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the act creating the Federal Deposit Insurance Corporation (act of August 23, 1935; 49 Stat. 694 as amended; 12 U. S. C. 264), separate from the contractor's general or other funds; and, the bank being such a bank, the parties are agreeable to so depositing said amounts with the bank.

(c) It is further agreed that the Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the contractor, which lien shall be superior to any lien or claim of the bank with respect to such account. In the event of the service of any writ of attachment, levy of execution or commencement of garnishment proceedings with respect to the Special Bank Account, the bank will promptly notify the office administering the advance payment thereof.

Now therefore, in consideration of the premises and for other good and valuable considerations, the parties hereto agree that the bank will be bound by the provisions of said contract or contracts relating to the deposit and withdrawal of funds in the Air Force Special Bank Account, but shall not be

responsible for the application of funds withdrawn from said account.

In witness whereof the parties hereto have caused this agreement to be executed as of the day and year first above written.

THE UNITED STATES OF AMERICA,

By _____

(Official Title)

(Contractor)

By _____

(Bank Depository)

By _____

CROSS REFERENCE: For sections of Armed Services Procurement Regulation which this section implements see §§ 402.502 (a) and 402.504 of this title.

§ 1002.504 *Interest.* Interest on advance payments will be charged in accordance with the policy stated in § 402.505 of this title and will be computed in accordance with procedure stated in the contract clause entitled "Advance Payments," Part 406 of this title.

§ 1002.505 *Reports.* The head of the procuring activity concerned will make the following reports:

(a) *Quarterly report.* Reports on WD AGO Form 14-135 will be prepared and submitted (by the Budget and Fiscal Office, Headquarters, Air Matériel Command) to the Deputy Chief of Staff, Comptroller, Headquarters United States Air Force, not later than the 12th day of the month following the close of the quarterly period. In addition, the office administering advance payments will prepare a statistical quarterly report making use of the amounts shown in the columns headed "Recovered" and "Outstanding." A special statement should be included in the report as to any contract with respect to which the completion thereof and liquidation of the advance payments appear to be doubtful together with a statement as to the steps being taken to safeguard the interest of the Government. The above report will be submitted to the Deputy Chief of Staff, Comptroller, Headquarters United States Air Force, not later than 30 days after the close of the quarterly period.

(b) *Interim report.* If at any time between quarterly reports it appears doubtful whether a contractor to which advance payments have been made will complete the contract, a report including a statement of facts should be submitted immediately to the Office of the Director of Finance, Headquarters United States Air Force.

PART 1003—COORDINATED PROCUREMENT

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

Sec.

1003.101 Coordinated procurement of items in short supply.

1003.102 Execution and administration of contracts.

1003.103 Funds and payments.

1003.104 Preparation of procurement requests.

SUBPART B—ARMED SERVICES PETROLEUM PURCHASING AGENCY

SUBPART C—ARMED SERVICES MEDICAL PROCUREMENT AGENCY

AUTHORITY: §§ 1003.101 to 1003.104 issued under R. S. 161, sec. 202, 61 Stat. 500, as

amended; 5 U. S. C. 22 and Sup. 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161.

DERIVATION: AFM 70-6.

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

§ 1003.101 *Coordinated procurement of items in short supply.* When items of materials or supplies are purchased by the Air Matériel Command, for two or more departments and the quantities offered, or subsequent deliveries by the successful bidder or bidders, are not adequate to meet the total requirements of the requiring departments, the Commanding General, Air Matériel Command, will notify each department concerned for the purpose of effecting arrangements for an equitable apportionment of available quantities. If an equitable apportionment cannot be determined the matter will be submitted by the Commanding General, Air Matériel Command, to the Deputy Chief of Staff, Matériel, Headquarters United States Air Force, Washington 25, D. C. for further action.

§ 1003.102 *Execution and administration of contracts.* Responsibility for execution and administration of contracts for single department procurement entered into by the Air Force is vested in the Commanding General, Air Matériel Command. The contracts should conform to the policies and procedures set forth in Subchapter A, Chapter IV of this title (Armed Services Procurement Regulation) and in these procedures for Air Force contracts and in addition, will incorporate any specific provisions requested by the requiring department when not inconsistent therewith. The Commanding General, Air Matériel Command, is responsible for the equitable allocation of supplies and services procured by the Air Force as purchasing department. Upon making an award, the Commanding General, Air Matériel Command, will immediately notify the department or departments concerned, including name of contractor, unit price, quantity procured, and delivery schedule. Upon execution of a contract or issuance of a purchase order, the Commanding General, Air Matériel Command, will be responsible for forwarding the number of copies required by the requiring departments immediately to the department or departments concerned, including a copy of the abstract of bids when the award was made pursuant to formal advertising.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 403.102 of this title.

§ 1003.103 *Funds and payments.* Each individual procurement request prepared by the Air Matériel Command will contain the requirements concerning submission of invoices and will designate the finance officer (disbursing officer) who will make payment on the resulting contract(s). The Director of Finance, Headquarters United States Air Force, is responsible for exchange of information as to disbursing officers with the Departments of the Army and the Navy and will furnish Air Matériel Command with lists of disbursing officers and

general requirements concerning submission of invoices received from these departments. Financing or funding will be accomplished in accordance with any approved method agreed upon by the departments concerned.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 403.104 of this title.

§ 1003.104 *Preparation of procurement requests.* The Commanding General, Air Materiel Command, is responsible for the preparation of procurement requests for supplies or services to be purchased by another department, and for the submission of such procurement requests directly to the purchasing department. Such procurement requests shall be submitted in the form of a Military Interdepartmental Purchase Request (MIPR). Until such time as a standard form of MIPR is approved for use by the Department of Defense, such form will be as prescribed by the Commanding General, Air Materiel Command. When accomplished, these MIPRs will be the authority for the supply or procurement of the items listed thereon.

CROSS REFERENCE: For Armed Services Procurement Regulation which this section implements see § 403.109 of this title.

SUBPART B—ARMED SERVICES PETROLEUM PURCHASING AGENCY

NOTE: Subpart B, Part 403, of this title requires no implementation in this subchapter.

SUBPART C—ARMED SERVICES MEDICAL PROCUREMENT AGENCY

NOTE: Subpart C, Part 403, of this title requires no implementation in this subchapter.

PART 1004—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT FROM OR UNDER CONTRACTS OF THE FEDERAL SUPPLY SERVICE

Sec.

- 1004.101 Statement of policy.
- 1004.102 Orders under contracts of Federal Supply Service.
- 1004.103 Form of delivery order to be used.
- 1004.104 Procurement from supply centers of Federal Supply Service.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

- 1004.201 Purchases from Government Printing Office.
- 1004.202 Purchase under contracts of Post Office Department.

SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

- 1004.301 Prison-made products; requirement.
- 1004.302 Blind-made products.

SUBPART D—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

- 1004.401 Authorization and policy relating to placing and filling orders.
- 1004.402 Invitation for bids; bids and awards.
- 1004.403 Manufacturing facilities of the Department of the Army.
- 1004.404 Form of delivery order to be used.

* AUTHORITY: §§ 1004.101 to 1004.404 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Inter-

pret or apply 62 Stat. 21; 41 U. S. C. Sup., 151-161.

DERIVATION: AFM 70-6.

SUBPART A—PROCUREMENT FROM OR UNDER CONTRACTS OF THE FEDERAL SUPPLY SERVICE

§ 1004.101 *Statement of policy—(a) Requirement.* The policy of the Air Force is that purchases shall be made from contracts of the Federal Supply Service which are described as mandatory by the terms of the schedules on the field services of the department, or when so directed by the head of the procuring activity concerned, unless the item cannot be furnished under such contracts within the time the item is required.

(b) *Emergency purchases.* In any case where, pursuant to the provisions of paragraph (a) of this section, purchase of a mandatory item listed in the Federal Supply Schedule is not made under a Federal Supply contract, the voucher submitted to the disbursing officer for payment shall contain a finding that the purchase was justified because the item could not be furnished under the Federal Supply Schedule within the time in which the item was required. Such findings shall be final and conclusive. The authority to make such a finding is delegated to the Commanding General, Air Materiel Command, as head of a procuring activity, with power of redelegation. It is to be emphasized that this authority is to be used only when necessary, and that it shall not be construed to authorize disregard of the requirements of the Federal Supply Schedule. In all cases, the finding should set forth the specific reasons why the time element made the purchase necessary.

(c) *Responsibility of Commanding General, Air Materiel Command.* The Commanding General, Air Materiel Command, is responsible for advising contracting officers regarding the terms and conditions of all mandatory Federal Supply Schedule contracts. Copies of the individual schedules, by classes, will be obtained by the Air Materiel Command from the Federal Supply Service, Washington 25, D. C., and distributed in accordance with procuring activity instructions issued by it.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 404.101 of this title.

§ 1004.102 *Orders under contracts of Federal Supply Service.* Orders under contracts of Federal Supply Service shall contain sufficient data to enable prompt identification by disbursing and auditing agencies of the correct listing in the Federal Supply Schedule, such as contract and item number, supplement, zone or region number, and the name of the finance officer by whom payment will be made.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 404.102 of this title.

§ 1004.103 *Form of delivery order to be used.* Delivery orders are used to place orders under contracts of the Federal Supply Service. Although such orders are sometimes referred to as

"purchase orders," the term "delivery orders" is more accurate, since a binding contract already exists between the Government and the contractor. The forms of delivery orders authorized for use are set forth in Part 406 of this title.

§ 1004.104 *Procurement from supply centers of Federal Supply Service—(a) Authority to purchase.* Field activities of the department are required to purchase items through the Federal Supply Service, only to the extent provided in § 1004.101 (a). However, purchases of any item from warehouse and supply centers is authorized whenever desired by the responsible office, subject to such conditions and regulations, if any, as the Commanding General, Air Materiel Command, may prescribe. Purchase from a warehouse and supply center of any item listed on a Federal Supply Schedule mandatory on the purchasing office, or on the Schedule of Blind-Made Products is considered a compliance with such schedules.

(b) *Purchasing procedure.* Instructions contained in the appropriate stock catalog are to be followed in purchasing items, except as such instructions may be modified herein.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements, see § 404.103 of this title.

SUBPART B—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 1004.201 *Purchases from Government Printing Office—(a) Requirement.* (1) All blank envelopes, blank paper, ink, glues, and other supplies manufactured or carried in stock by the Government Printing Office, which are required for use within the District of Columbia, shall be purchased from that office.

(2) Blank books or other articles in book form which require printing, binding, or ruling operations for their manufacture, including stenographic notebooks, will be procured from the Government Printing Office as printing and binding.

(b) *Waiver.* All printing and blank-book work, other than that designated below, shall be obtained from the Government Printing Office unless a waiver clearance is obtained from the Public Printer to have work done elsewhere.

(c) *Regulations.* (1) All printing, binding, and blank-book work shall be done at the Government Printing Office, except (i) such classes of work as shall be considered by the joint committee on printing to be urgent or necessary to have done elsewhere; and (ii) printing in field printing plants operated by any such executive department, independent office, or establishment and the procurement of printing by any such executive department, independent office, or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing. Approved July 5, 1949.

(2) Printing requirements will be procured in accordance with the following definitions:

(i) *Departmental printing:* All printing, binding, and blank-book work, exclusive of field printing as defined below. The term applies to Air Force-wide pub-

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lications and to all printing, binding, and blank-book work, the need for which originates in the Washington, D. C., area.

(ii) *Field printing*: All printing, binding, and blank-book work, the need for which originates outside the Washington, D. C., area, and which is for use primarily in the area of origin. Such printing may be produced in authorized Air Force plants in the area of origin or procured out of contract field printing allotments from other Government plants or commercial sources. Field printing does not include work procured commercially on a waiver from the Government Printing Office, Washington, D. C.

(iii) *Contract field printing*: That part of field printing accomplished commercially or by plants of a Government department or agency other than the Air Force to which reimbursement is made from allotments for contract field printing.

(iv) *Field plant printing*: Any printing, binding, or blank-book work produced in any facility operated by or for the Air Force. When clearly indicated that it is economically feasible, based on type of equipment available, material may be produced in an authorized field printing plant for distribution outside the area of origin, but restricted primarily to one major air command.

(d) *Cost of printing*. (1) All printing produced or procured for items peculiar to the Air Force Reserve Officers' Training Corps, Air Force Reserve, and the Air National Guard will be charged against the specific funds made available for their operations.

(2) Reimbursement will be secured for all printing costs incurred for other Governmental agencies.

(3) The cost of material procured from commercial sources should be charged against specific funds available to the respective procuring service as authorized by Headquarters United States Air Force to expend such funds. Obligations for contract field printing procured from commercial concerns may be incurred to the extent that authority has been delegated and funds made available. In addition, a special limitation exists in respect to printing authorized to be procured in the field, not including material procured commercially on a waiver secured from the Public Printer or from Air Force printing plants. This limitation suffix will be shown on obligations and expenditure documents pertaining to printing and binding transactions to which the limitation will apply, together with the applicable appropriation symbol, allotment serial number, and object class. The following supplemental certificate is required to be placed on contracts or purchase orders involving payment for all printing, binding, and blank-book work accomplished or procured elsewhere than at the Government Printing Office in Washington:

I hereby certify as responsible officer in the field that the printing and/or binding covered by this voucher was, in my opinion, urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of a field office of this department (or establishment), and that same is of the class and within the limitation specified in paragraph ---- of the regulations of the

Joint Committee on Printing or in the special authorization of the committee, a copy of which authorization is attached hereto or to voucher (describe, giving number, etc.).

(4) Commanding generals of major air commands will procure field contract printing as authorized by Headquarters United States Air Force.

(e) *Printing by Federal Prison Industries, Inc.* Federal Prison Industries, Inc., has available facilities for performing field printing work for the department. The use of the printing services is not mandatory. However, whenever practicable, it is desirable that use be made of these facilities. The facilities are available at three prisons and may be made use of by sending a purchase order directed to one of the following:

Warden of Federal Reformatory
El Reno, Oklahoma.

Superintendent of Industries
Leavenworth Penitentiary
Leavenworth, Kansas.

Business Manager of Industries
Atlanta Penitentiary
Atlanta, Georgia.

Where the form of purchase order contains the standard convict labor clause, that clause should be deleted.

§ 1004.202 *Purchase under contracts of Post Office Department*—(a) *Requirement*. Envelopes required by the military service (other than the departmental service, Department of the Air Force, Washington 25, D. C.) shall be procured under contracts entered into by the Post Office Department unless it is impracticable to do so.

(b) *Envelopes authorized for supply to military service*. (1) Orders for envelopes should be placed with the contractors specified in the pamphlet "Award of Contracts for Envelopes." Such orders may be sent to the contractor direct and need not be sent through the office of the head of the procuring activity concerned.

(2) The foregoing does not affect in any way the present methods of procuring jackets, open and thumb notched, as required by the various procuring activities, the same being procured on approved requisitions as are other supplies.

SUBPART C—PROCUREMENT OF PRISON-MADE AND BLIND-MADE PRODUCTS

§ 1004.301 *Prison-made products; requirement*. It is required that all items manufactured by, and all services rendered by Federal Prison Industries, Inc., be purchased from that agency except where a general or special clearance for the purchase of the items from commercial sources has been granted.

A general clearance (Clearance No. C27930) has been granted the department to procure from commercial sources items listed in the schedule of products made in Federal Penal and Correctional Institutions in the following cases:

(a) By contractors or contracting officers under cost-plus-fixed-fee construction or supply contracts;

(b) By contracting officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials;

(c) When immediate delivery is required by the public exigency;

(d) When suitable second-hand, used, or surplus property can be procured;

(e) When required in small quantities and for delivery within ten days.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 404.301 of this title.

§ 1004.302 *Blind-made products*. Heads of procuring activities are responsible for procurement of supplies in accordance with the provisions of § 404.302 of this title and for advising contracting officers of the terms and conditions of the Schedule of Blind-made Products issued by the Federal Supply Service, General Services Administration. Requests for special clearance should be directed to Federal Supply Service, General Services Administration, Washington 25, D. C.

SUBPART D—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

§ 1004.401 *Authorization and policy relating to placing and filling orders*. Implementing the policy set forth in § 404.401 of this title, the following policy shall govern:

(a) *Procurement by the Department of Defense for other Government agencies*. In order to avoid interference with the fundamental mission, or impairment of the efficiency of the Department of the Air Force, procurement for other Government agencies (outside the Department of Defense) will be kept to a minimum, except that special consideration should be given to cases where appropriate requests are made by agencies affiliated with the Department of Defense. Whenever a procurement request by a Government agency (outside the Department of Defense) is made upon the Department of the Air Force, it will be forwarded to the Commanding General, Air Materiel Command, for consideration. If he considers that the assumption of the procurement task would interfere with the fundamental mission of the Air Materiel Command or impair its efficiency, the Commanding General, Air Materiel Command, will refer the problem to the Director of Procurement and Engineering, Headquarters United States Air Force, for consideration.

(b) *Purchase of supplies capable of being manufactured by facilities of another department*. When a procuring service contemplates purchasing supplies capable of being manufactured by the facilities of another department, bids will be invited as prescribed in Part 401 of this title and Subchapter J of this chapter, before the order is placed with the other department unless the purchase falls within one or more of the categories which may be purchased by negotiation as set forth in Part 402 of this title.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 404.401 of this title.

§ 1004.402 *Invitation for bids; bids and awards*—(a) *Inviting bids*. When inviting bids for supplies capable of being manufactured by the facilities listed

in § 1004.403, contracting officers will forward a copy of the invitation for bids to the following offices:

(1) By facilities listed in § 1004.403 (a) to the Chief of Ordnance, Industrial Division, Department of the Army, Washington 25, D. C.;

(2) By facilities listed in § 1004.403 (b);

(i) Woodwork, leather, canvas, metal and wheelwright: to Commanding Officer, Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

(ii) Textile and canvas products: to the Commanding Officer, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

(3) By facilities listed in § 1004.403 (c) to the Chief, Chemical Corps, Supply and Procurement Division, Department of the Army, Washington 25, D. C.

(b) *Bids (estimates)*. Failure to receive bid (estimate) before the time of opening of bids will be considered as indicating the inability of the Government-owned establishment to manufacture the supplies required.

(c) *Award*. In making awards, estimates received from such establishments will be considered in exactly the same manner as are bids from commercial bidders. If an estimate received from a Government-owned establishment is lower than the bids received from commercial bidders, but the contracting officer purchasing the supplies is of the opinion that the manufacture thereof would not be economical or desirable, the case, supported by all pertinent data including suitable recommendations will be submitted to the head of the procuring activity concerned for a decision, before award is made.

§ 1005.403 *Manufacturing facilities of the Department of the Army*. Government-owned establishments under the control of the Department of the Army are equipped with the following facilities:

(a) *Ordnance Department*. Machine shops, foundries capable of handling both ferrous and nonferrous work, forge shops, metal stamping and drawing presses, gas and electric welding shops, heat treatment equipment, woodworking shops, optical shops, tool and instrument-making shops.

(b) *Quartermaster Corps*. Depots equipped with facilities for woodwork, for the manufacture and repair of leather, textile, canvas, webbing, metal and wheelwright products.

(c) *Chemical Corps*. Gas-mask factories and plants for producing chemicals; toxic, smoke and incendiary agents, grenades, etc.

§ 1004.404 *Form of delivery order to be used*. (a) Delivery orders are used to place orders:

(1) Under already existing contracts executed by other procuring activities or other departments of the Government; and

(2) With other departments of the Government furnishing particular services or supplies.

(b) The term "delivery orders" is used in these procedures to refer to orders of the character described in paragraph (a) of this section. Although orders of the type described in subparagraph (1) of

this paragraph are referred to as "purchase orders," the term "delivery orders" is more accurate, since a binding contract already exists between the Government and the contractor.

(c) The forms of delivery orders authorized for use are set forth in Part 406 of this title and Subchapter J of this chapter.

PART 1005—FOREIGN PURCHASES

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

Sec.	
1005.101	Applicability.
1005.102	Foreign periodicals and publications.
1005.103	Nonavailability of supplies or materials.
1005.104	Exceptions requiring approval of the Secretary.
1005.105	Supplies excepted from Buy American Act.
1005.106	Reference in contractual documents.
1005.107	Violation of Buy American Act provisions in construction contracts.

SUBPART B—CANADIAN PURCHASES

1005.201	Purchases from Canadian suppliers.
1005.202	Research contracts placed in Canada.
1005.203	Compliance with Buy American Act.

SUBPART C—CUSTOMS AND DUTY

1005.301	Purchase of war materials abroad.
1005.302	Entry certificate.

AUTHORITY: §§ 1005.101 to 1005.302 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151-161.

DERIVATION: AFM 70-6.

SUBPART A—BUY AMERICAN ACT AND OTHER STATUTORY PROHIBITIONS ON FOREIGN PURCHASES

§ 1005.101 *Applicability*. When in doubt as to whether a given purchase is or is not restricted by the Buy American Act (47 Stat. 1520; 10 USC 10a-c) or by other statutory prohibitions on foreign purchases, contracting officers will forward the case through channels to the Deputy Chief of Staff, Matériel, Headquarters United States Air Force, Washington 25, D. C., for decision. Each case submitted will include complete information upon which a decision may be based.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 405.103 of this title.

§ 1005.102 *Foreign periodicals and publications*. (a) Foreign periodicals and publications (books, periodicals, magazines, and newspapers) which are available through vendors located within the Continental limits of the United States may be procured, unless there is a question of security involved. Care should be exercised in this respect, and where there is a question of security, requests should be forwarded to the Director of Intelligence, Headquarters United States Air Force, for forwarding to the appropriate air attaché for procurement.

(b) Requests for foreign periodicals and publications which must be procured outside of the United States will contain full particulars, including complete description of the item, estimated cost, name and address of vendor, citation of applicable appropriation, and shipping instructions. Such requests will be addressed to the Director of Intelligence, Headquarters United States Air Force, for forwarding to the appropriate air attaché for procurement.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 405.103-1 of this title.

§ 1005.103 *Nonavailability of supplies or materials*. (a) By memorandum dated March 3, 1949, the Under Secretary of the Air Force assigned to each of the officials designated below the authority and duty to make determinations under the Buy American Act where the basis for such determination is that the articles, materials, or supplies of the class or kind to be purchased or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and in reasonably available commercial quantities and of a satisfactory quality:

- (1) Deputy Chief of Staff, Matériel;
- (2) Director, Procurement and Engineering, Office of the Deputy Chief of Staff, Matériel;
- (3) Deputy Director, Procurement and Engineering, Office of the Deputy Chief of Staff, Matériel;
- (4) Commanding General, Air Matériel Command;
- (5) Director, Procurement and Industrial Planning, Air Matériel Command;
- (6) Chief, Procurement Division, Air Matériel Command;
- (7) Deputy Chief, Procurement Division, Air Matériel Command.

(b) The provisions of § 405.103-4 of this title shall be applied and used only after a determination, in writing, has been made by one of the above-designated officials. Requests for such determinations shall be forwarded through channels to the Commanding General, Air Matériel Command, Attention: Chief, Procurement Division.

(c) When a determination is made that the Buy American Act does not apply, as set forth in paragraph (a) of this section, a copy of such determination shall be attached to each contract for such articles, materials, or supplies.

§ 1005.104 *Exceptions requiring approval of the Secretary*. When the conditions in § 405.104 of this title are present, a request shall be made through channels to the Deputy Chief of Staff, Matériel, Headquarters United States Air Force, Washington 25, D. C., for the issuance of a certificate of exemption. The requests shall include: a complete description of the item, estimated cost, name and address of proposed contractor or individual, designation of agency to effect purchase, citation of applicable appropriation if purchase is to be made from a supplier or contractor located in a foreign country, and complete detailed facts to justify the purchase from a foreign source, such as excessive cost of

similar domestic articles, materials, or supplies. All requests for exception to the Buy American Act will be submitted through the Commanding General, Air Materiel Command, Attention: Chief, Procurement Division.

§ 1005.105 *Supplies excepted from Buy American Act*—(a) Excepted by the Under Secretary of the Air Force. (1) In addition to those articles, materials, and supplies which the Secretaries of the three Departments have administratively determined may be procured without regard to the country of origin, the Under Secretary of the Air Force on March 3, 1949, determined as follows:

DETERMINATION UNDER THE BUY AMERICAN ACT

Pursuant to the authority contained in the Buy American Act (Act of March 3, 1933, 41 U. S. Code 10a-c) and pursuant to the authority vested in me, I hereby determine that it would be inconsistent with the public interest to apply the Buy American Act to the purchase of unmanufactured articles, materials or supplies not mined or produced in the United States, and manufactured articles, materials and supplies not manufactured in the United States substantially all from articles, materials or supplies mined, produced or manufactured in the United States, where the intended use of any such articles, materials or supplies is evaluation and comparison with other similar articles, materials or supplies produced or mined in the United States, and I hereby grant an exemption from the application of said Act to all such purchases. A copy of this determination shall be attached to each such contract for supplies which is otherwise subject to the provisions of said Act.

[S] A. S. BARROWS,
A. S. BARROWS,
Under Secretary of the Air Force.

(2) The effect of the above determination is to grant an exception from the application of said Act, only to such purchases where the intended use of any such articles, materials or supplies is evaluation and comparison with other similar articles. Consequently, where the intended use is other than evaluation and comparison with other similar articles, the above referenced determination does not apply.

(b) *Exceptions based on unreasonable costs.* In those cases when the contracting officer desires to submit the case, and in those cases when the differential is more than \$5,000 but less than 25 percent which must be submitted, determination as to unreasonable cost shall be made by the Secretary upon presentation of the facts as outlined in § 1005.104 prior to making award.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 405.105 of this title.

§ 1005.106 *Reference in contractual documents.* The contract provisions with respect to the Buy American Act required by § 405.107 of this title are cited in § 406.103-14 of this title.

§ 1005.107 *Violation of Buy American Act provisions in construction contracts.*

CROSS REFERENCE: See § 1000.303 of this subchapter for procedure with respect to placing on or removing from the list of ineligible contractors and disqualified bidders the name of any such noncomplying contractor or bidder.

SUBPART B—CANADIAN PURCHASES

§ 1005.201 *Purchases from Canadian suppliers.* All Air Force contracts placed with a supplier or contractor located in the Dominion of Canada shall be made with the Canadian Commercial Corporation through their Washington office. Commanding Generals of major air commands, other than Air Materiel Command, are not authorized to communicate direct with the Canadian Commercial Corporation concerning proposed purchases from Canadian suppliers, as set forth in Armed Services Procurement Regulation, but will forward such communications through Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Attention: Chief, Procurement Division, Dayton, Ohio.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 405.201 of this title.

§ 1005.202 *Research contracts placed in Canada.* The following procedure will govern with respect to placement of research contracts with Canadian institutions and agencies:

(a) The Commanding General, Air Materiel Command, will clear each purchase request direct with the Defense Research Member, Canadian Joint Staff, prior to negotiating for a research contract in that country.

(b) In all cases when the provisions of paragraph (a) of this section are applicable and the Under Secretary of the Air Force is personally required to authorize negotiation pursuant to 62 Stat. 21; 41 U. S. C. Sup. 151-161, such authority will be obtained subsequent to clearance of purchase request by the Defense Research Member, Canadian Joint Staff, as required by paragraph (a) of this section.

(c) The procedure for obtaining exemptions from the provisions of the Buy American Act, when applicable to research contracts, is prescribed in § 1005.104.

§ 1005.203 *Compliance with Buy American Act.* The provisions of Subpart A of this part shall be complied with prior to making any procurement from a Canadian source.

SUBPART C—CUSTOMS AND DUTY

§ 1005.301 *Purchase of war materials abroad.* All articles, materials and supplies as defined in § 405.303 of this title have been administratively determined to be entitled to duty free entry under the act of June 30, 1914, 38 Stat. 399; 34 U. S. Code 568 and section 12, 62 Stat. 26; 41 U. S. C. Sup. 161.

§ 1005.302 *Entry certificate.* All contracting officers concerned are hereby authorized to execute the certificate for duty free entry of emergency purchases of war materials abroad, provided, such materials meet the requirements of Executive Order 9177, May 30, 1942 (7 F. R. 4195; 3 CFR Cum. Supp. 1166), the provisions of Subchapter A, Chapter IV of this title, and any regulations prescribed by the Bureau of Customs.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this

section implements see § 405.301-1 of this title.

[SEAL]

K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 50-11827; Filed, Dec. 15, 1950;
8:57 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[Docket No. 8747]

PART 3—RADIO BROADCAST SERVICES

ORIGINATION POINT OF PROGRAMS OF STANDARD AND FM BROADCAST STATIONS

The Commission has before it a proposal to make certain changes in its rules and regulations concerning station location, main studio location, and origination of programs in the standard and FM broadcast services. Notice of proposed rule making in this matter was released February 24, 1948, and was duly published in the FEDERAL REGISTER. The notice provided that comments relating to the proposed rule might be filed on or before March 19, 1948. Several comments were received and oral argument was held before the Commission en banc on October 15, 1948.

Briefly stated the proposed rule provides that each standard or FM broadcast station must originate a majority of its non-network programs from its main studio or from other points in the city where its main studio is located. Two objections were made to any limitation upon a licensee's freedom to select the point of origination of its programs. It was argued that such limitations are contrary to the Commission's announced policy that a station is expected to provide service to all of the people within its service areas and not simply to a portion of those persons, and in violation of section 326 of the Communications Act of 1934, as amended, since to "regulate a licensee as to where it must originate programs would have the same practical effect as to regulate the program content in advance of its actual broadcast."

The remaining comments received by the Commission raised no objection to the basic purpose of the proposed rule, but called attention to certain hardships and inequalities which it was alleged would result from the particular rule proposed. It was objected that the proposed rule would (1) prevent stations with transmitters located outside the city where the station is located from obtaining the economies and other benefits which flow from maintaining the main studio at the transmitter site; (2) impose a heavier burden upon and thus discriminate against stations not affiliated with networks; and (3) prevent stations located in rural areas or in small towns from providing a satisfactory live program service. A question was also raised whether the proposed rule would be applicable to synchronous amplifier transmitters.

Section 303 (d) of the Communications Act of 1934, as amended, provides that the Commission shall have authority to

determine the location of individual stations. Station location includes both transmitter and studio location and for many purposes the latter is the more significant. Section 307 (b) of the act provides:

(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

We have consistently held that the term "radio service" as used in section 307 (b) comprehends both transmission and reception service. Transmission service is the opportunity which a radio station provides for the development and expression of local interests, ideas, and talents and for the production of radio programs of special interest to a particular community. Reception service on the other hand is merely the presence in any area of a listenable radio signal. It is the location of the studio rather than the transmitter which is of particular significance in connection with transmission service. A station often provides service to areas at a considerable distance from its transmitter but a station cannot serve as a medium for local self expression unless it provides a reasonably accessible studio for the origination of local programs.

In large portions of the United States today reception service is reasonably satisfactory. There are many communities, however, some of considerable size, which still do not have adequate radio outlets for local self expression. Thus, in recent years transmission service has become an increasingly significant factor in the application of section 307 (b); and a considerable number of the Commission's decisions with respect to competing applications have turned upon the question of which proposal would provide the more needed transmission service.

It is apparent that section 307 (b) and the Commission's efforts to apply it may be largely frustrated if, after a station is licensed for the purpose of providing both reception and transmission service to a particular community, it removes its main studio to a distant point and originates all or substantially all of its programs in a city or town other than that which it was licensed to serve. Such action on the part of the station may substantially cut away the basis of the Commission's decision authorizing the establishment of the station.

A requirement that a station maintain studios and originate a substantial proportion of its programs in the city which it is licensed to serve could hardly be considered an unreasonable burden since it would simply require the station to carry out the proposal which it made to the Commission when it asked for its license. Nor can we agree that the proposed rule would so severely limit a station's programming as to make it impossible for it to provide programs of interest to its service area generally. The origination of 49% of its pro-

grams at points distant from its location should ordinarily be more than adequate to permit it to perform this function properly. The proposed rule would not constitute censorship of radio programs in violation of section 326 of the Communications Act. The rule would not require a radio station to broadcast or not to broadcast any particular programs but would simply assure that on an over-all basis its programs would serve the public interest and particularly the area which the station originally proposed to serve.

However, certain modifications of the proposed rule do appear to be necessary in order to prevent discrimination and hardship in unusual cases.

Discrimination between network and non-network stations can be substantially eliminated by requiring the former to originate from their main studios two-thirds of their non-network programs or a majority of all of their programs, whichever is smaller, rather than, as originally proposed, simply a majority of their non-network programs. We believe that stations should be permitted to maintain their main studios at their transmitter locations even though the transmitter may be situated outside the political limits of the city or town which the station is licensed to serve. We also recognize that certain stations located in rural areas or in very small towns or cities may not have a sufficient base of operations to support them properly from an economic or program point of view and we recognize the necessity of permitting such stations to originate a substantial portion of their programs at remote points. We have accordingly revised the proposed rule to provide that where a proper showing is made a station may receive a license to serve more than one city, town, or other political subdivision and may utilize both or all such cities or towns for program origination for the purpose of meeting the requirements of the rule. It is likewise necessary to except synchronous amplifier transmitters from the program origination requirements.

We are of the opinion that, with the above revisions and modifications the proposed rules are necessary and desirable in order to effectuate section 307 (b) of the Communications Act and particularly the Commission's decisions and actions in applying that section.

Accordingly, it is ordered, This 4th day of December 1950 that, effective January 18, 1951,¹ Part 3 of the Commission's

¹ The Commission will entertain petitions requesting temporary exemption from the program origination requirements of the new rules. Where such petition shows that by reason of long continued operation not in accordance with the new rules compliance with the program origination requirements of the new rules by the effective date thereof would be impossible or would impose undue hardship on the station the Commission will exempt such station from the program origination requirements for the minimum period required to permit compliance with those requirements in an orderly manner and without undue disruption of the station's operations but in any event for not longer than one year from January 18, 1951.

rules and regulations is amended as set forth below:

1. Section 3.12 is repealed.
2. Section 3.30 is amended to read as follows:

§ 3.30 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network $\frac{2}{3}$ of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the Standards of Good Engineering Practice, prescribed by the Commission.²

3. Section 3.31 is amended to read as follows:

§ 3.31 *Authority to move main studio.* The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, state, district, territory, or possession in which it is located, unless such move is to the location of the station's

² Paragraph (c) is identical with present paragraph (b).

transmitter, without first making written application to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio.

4. Section 3.205 is amended to read as follows:

§ 3.205 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network, two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision, only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided, however,* Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.²

5. Section 3.206 is repealed.

² Paragraph (c) is identical with present paragraph (b).

Released: December 7, 1950.

(Sec. 4, 48 Stat. 1068, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11747; Filed, Dec. 15, 1950;
8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 1]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

Upon further consideration of Service Order No. 856 (15 F. R. 5049, 5050), and good cause appearing therefor: It is ordered, that: Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars* of Service Order 856 as amended, be and it is hereby suspended until 7 a. m., April 1, 1951, only to the extent it applies to the free time on box cars loaded at ports and the free time on unloading freight cars at ports.

It is further ordered, that this amendment shall become effective at 7:00 a. m., December 15, 1950, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11750; Filed, Dec. 15, 1950;
8:49 a. m.]

[S. O. 870]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

It appearing, that there is a critical shortage of box cars, that box cars are being delayed unduly in loading at ports,

and that free time published in tariffs for loading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.870 *Free time on box cars loaded at ports.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 5 days free time on any box car held for loading at the point of transshipment from vessel or storage to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time now published in tariffs lawfully on file with this Commission.

(b) *Computation of time.* (1) All Saturdays, Sundays and the holidays listed in Item No. 7 of B. T. Jones Demurrage Tariff 4-Z, ICC No. 4257 and subsequent issues thereof, shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7 a. m. after actual loading of the car is started.

(c) *Definition of box cars.* The term "box car" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V".

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the Territories of Alaska and Hawaii.

(e) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(f) *Effective date.* This order shall become effective at 7 a. m., December 15, 1950.

(g) *Expiration date.* This order shall expire at 7 a. m., April 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington,

D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11760; Filed, Dec. 15, 1950;
8:49 a. m.]

[S. O. 871]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING FREIGHT CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

It appearing that there is a critical shortage of freight cars, that freight cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people. It is ordered that:

§ 95.871 *Free time on unloading freight cars at ports.* (a) No common

carrier by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 7 days free time on cars held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission.

(b) *Computation of free time.* (1) All Saturdays, Sundays and the holidays listed in Item 7 of Agent Jones' Demurrage Tariff 4-Z, ICC No. 4257 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7 a. m. after notice of arrival or constructive placement is sent or given to the party entitled to receive same (whichever occurs first), until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad

subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(e) *Effective date.* This order shall become effective at 7:00 a. m., December 15, 1950.

(f) *Expiration date.* This order shall expire at 7:00 a. m., April 1, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11761; Filed, Dec. 15, 1950;
8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 521]

EMPLOYMENT OF APPRENTICES

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the Administrator has heretofore issued general regulations governing the employment of apprentices (§§ 521.1 to 521.9), and regulations governing the employment of apprentices in the diamond cutting industry (§§ 521.101 to 521.105), at wages lower than the minimum wage applicable under section 6 of the act.

Available information indicates that the special provisions for the diamond cutting industry contained in Part 521 no longer represent existing conditions. Further, since the date of the promulgation of the special provisions for such industry, the Apprenticeship Council of Puerto Rico has been established, and it is considered necessary that all apprenticeship agreements providing for the employment of an apprentice in Puerto Rico at wages lower than the

applicable minimum wage hereafter be filed for approval with the Apprenticeship Council of Puerto Rico, pursuant to §§ 521.2 and 521.3.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), that under the authority provided in section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214), the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to amend the apprentice regulations in the following manner:

1. Amend § 521.3 by deleting the proviso, so that the section will read as follows:

§ 521.3 *Temporary special certificates.* The written apprenticeship agreement when approved by a recognized local joint apprenticeship committee or by a recognized state apprenticeship council, and after the employer has received notice of such approval by the approving agency, shall be considered a temporary special certificate, authorizing the employment of the apprentice at a wage rate or rates lower than the applicable minimum under section 6 of the act, specified in

the approved agreement, until such time as a special certificate is issued by the Administrator or his authorized representative, or the employer is notified that his request for a special certificate is denied. In the event that a request for a special certificate is denied, the temporary special certificate shall be considered terminated and the employer shall thenceforth, upon receipt of notice of such denial, pay the minimum wage applicable under section 6 of the act to the named apprentice.

2. Revoke §§ 521.101 through 521.105.

Prior to final adoption of the amendments, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of December 1950.

WM. R. McCOMB,
Administrator, Wage and Hour
and Public Contracts Divisions.

[F. R. Doc. 50-11719; Filed, Dec. 15, 1950;
8:45 a. m.]

NOTICES

DEPARTMENT OF STATE

Bureau of German Affairs

[Public Notice 71]

LAW ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them on their property.

LAW No. 28

Amendment No. 1 to Law No. 13, "Judicial Powers in the Reserved Fields"

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

Paragraph 2 of Article 4 of Law No. 13 is hereby amended to read as follows:

ARTICLE 4

2. A High Commissioner may validate retroactively any judicial or extrajudicial act taken in his Zone in contravention of the provisions of Article V or VI of Military Government Law No. 2 or of Article 2 or Ordinance No. 173 of the French Commander-in-Chief in Germany.

ARTICLE 2

Article 10 of Law No. 13 is hereby amended to read as follows:

ARTICLE 10

In every case, both criminal and non-criminal, the period during which the German Courts have been deprived of jurisdiction pursuant to any legislation of the Occupation Authorities or of any Authority to which they have succeeded, shall not be included in calculating any legal time limit unless during such period an Occupation Court was competent to dispose of such case.

ARTICLE 3

This Law shall be deemed to be effective as of 1 January 1950.

Done at Bonn, Petersburg, on 31 May 1950.
By order of the Allied High Commission.

JOHN J. McCLOY,
U. S. High Commissioner for Germany,
Chairman of the Council.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11810; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 72]

LAW ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following law issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW No. 5

Amendment No. 6 to Military Government Law No. 59.

The United States High Commissioner enacts as follows:

ARTICLE 1

Article 15 of Military Government Law No. 59 is hereby amended to read as follows:

1. Unless otherwise provided in this Law a judgment directing restitution shall have the effect that the loss of the property shall be deemed not to have occurred and that after acquired interests by third persons shall be deemed not to have been acquired.

2. Any adjudication of a restitution claim shall be effective for and against any person who participated in the proceeding or who, being entitled to participate, was duly served.

3. Agreements recorded by the Restitution Authorities and orders of the Restitution Agencies directing restitution shall have the same effect as judgments directing restitution.

ARTICLE 2

The Law shall be applicable in the Länder of Bavaria, Hesse, Württemberg-Baden and Bremen and shall become effective on 3 July 1950.

Done at Frankfurt-on-Main, on 17 May 1950.

JOHN J. McCLOY,
U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11811; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 73]

LAW ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW No. 30

Amending Law No. 8, "Industrial, Literary and Artistic Property Rights of Foreign Nations and Nationals."

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

Article 2 of Law No. 8 is hereby amended by inserting the words "or French Military Government Ordinance No. 120" after the words "British Military Government Law No. 59".

ARTICLE 2

Paragraph 2 of Article 6 of Law No. 8 is hereby amended by substituting the words "3 October 1950" for the words "1 April 1950" and by inserting the following provisions in place of sub-paragraph (c):

(c) If German nationals were not permitted to file applications for industrial property rights within the territory of such nation prior to 1 April 1949, it permits the filing of such applications by German nationals and accords priority rights at least as great as those specified by the Convention and extends the time limit specified in the said Convention for claiming such priority rights to a date not earlier than 3 October 1950 in respect of applications filed with the Filing Office and applications filed with the Patent Office prior to 1 April 1950.

ARTICLE 2

Article 13 of Allied High Commission Law No. 8 is amended by inserting at the end thereof the following sub-paragraph:

(g) Ordinance on literary property rights of British Subjects, dated 1 July 1940 (RGBI, I, p. 947).

ARTICLE 4

The Law shall be deemed to have become effective as of 1 October 1949.

Done at Bonn, Petersburg, on 29 June 1950.

On behalf of the Council of the Allied High Commission.

A. FRANCOIS-PONCET,
French High Commissioner for Germany,
Chairman.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11812; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 74]

LICENSE ISSUED BY ALLIED HIGH COMMISSIONER FOR GERMANY

The following license issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

GENERAL LICENSE No. 10 (AMENDED)

Issued pursuant to Military Government Law No. 53 (Amended), "Blocking and Control of Property", also known as General License No. 4 (Amended), issued pursuant to Military Government Law No. 53 (Revised), "Foreign Exchange Control".

1. A General License is hereby granted under Article II of Military Government Law No. 52 (Amended) and Article I of Military Government Law No. 53 (Revised):

a. Authorizing all transactions within Germany in connection with any claim for restitution filed pursuant to and within the scope of Military Government Law No. 59, provided that

(1) The transaction is necessary and incidental to the filing, prosecution, defense, waiver, settlement or final adjudication of such a claim;

(2) The claim for restitution is filed on behalf of a persecuted person or his heir or

legatee, or by a successor organization, appointed by Military Government; and
(3) The claim for restitution is not based on an assignment.

b. Retroactively authorizing the execution and delivery of any waiver of a claim for restitution of identifiable property which is in writing and in express terms, and which was delivered in the period from May 8, 1945, to December 31, 1948, to the restitutor, the appropriate Restitution Authority, or the Central Filing Agency, provided that this shall not license any waiver with respect to a claim for property located in the City of Berlin;

c. Retroactively authorizing any amicable settlement, or adjudication, of a claim for the restitution of identifiable property, located within the United States Zone of Occupation in Germany, which was executed or made between May 8, 1945, and December 31, 1948, provided that such amicable settlement or adjudication does not relate to property located in the City of Berlin.

d. Authorizing the payment of fees in Deutsche Mark to authorized representatives of claimants for services in connection with their representation of such claimants in negotiations or proceedings concerning claims falling within the scope of Military Government Law No. 59 or the General Claims Laws of the several Länder (Entschädigungsgesetze), such Funds to be authorized for use of such representatives in defraying costs incurred within Germany in connection with such representation, or for such other use or disposition as is permissible pursuant to applicable laws and regulations, including deposit in blocked Deutsche Mark accounts.

e. Authorizing all transactions within Germany in connection with any claim for compensation filed pursuant to and within the scope and provisions of the General Claims Laws (Entschädigungsgesetze) for compensation for personal damage to victims of Nazi Germany provided that the transactions are necessary and incidental to the filing, prosecution, defense, waiver, settlement or final adjudication of such a claim.

2. This General License does not authorize:

a. The debit to any account blocked pursuant to Military Government Law No. 52, unless the account is in the name of and is owned by a necessary party to the restitution proceeding and such debit is for the payment of the necessary obligations of such party arising in connection with such proceeding;

b. The transfer or assignment of title to any property, including funds, located outside Germany, or to any foreign exchange asset located within Germany;

c. The transfer or delivery to any person other than the claimant or his agent of any restituted property; and

d. The export of any property from the United States Zone of Occupation in Germany, including Land Bremen.

3. This General License shall become effective on 18th May 1950 in the Länder Bavaria, Hesse, Württemberg-Baden, and Bremen.

Done at Frankfurt-on-Main, on 18 February 1950.

JOHN J. McCLOY,

U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11813; Filed, Dec. 15, 1950;
8:54 a. m.]

No. 244-6

[Public Notice 75]

LICENSE ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following license issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

GENERAL LICENSE No. 19

Issued pursuant to Military Government Law No. 52 (Amended), "Blocking and Control of Property", also known as General License No. 33, issued pursuant to Military Government Law No. 53 (Revised), "Foreign Exchange Control."

1. Notwithstanding the provisions of Military Government Laws Nos. 52 and 53 and the rights of any claimant to restitution of identifiable property under Military Government Law No. 59 and Berlin Kommandatura Order (49) 180, a General License is hereby granted permitting all transactions incident to the transfer of title to property either by voluntary act (in those cases where the power of eminent domain could have been exercised), or through the exercise of the power of eminent domain, in the public interest to eliminate public hazards or for the purpose of reconstruction programs pursuant to city or town plans or building plot readjustment programs presently authorized by existing German legislation in the respective Länder of the United States Zone of Occupation or the City of Berlin: *Provided, however, That:*

a. The transfer is made to a Land Government, a political subdivision thereof, or the City of Berlin, in accordance with applicable German law and pursuant to regulations governing the exercise of the right of eminent domain in the public interest;

b. Compensation for any property subject to Military Government Law No. 52 is awarded on a non-discriminatory basis, and is paid into a blocked account in a financial institution in the United States Area of Control in Germany in the name of the person who held title to the property;

c. A former owner, or his successor in interest, who successfully establishes his claim to restitution pursuant to any Restitution Law effective in the United States Area of Control may request to be made a party in pending proceedings, or with the approval of the Office of the United States High Commissioner for Germany, may institute an action with respect to discrimination as to compensation, or replacement in kind, allowed for property which would otherwise have been restituted to him pursuant to any Restitution Law, effective in the United States Area of Control, but for its acquisition for public use as a result of the exercise of the right of eminent domain;

d. Any transfer of property of persons outside of Germany, by exercise of the right of eminent domain, shall be in accordance with any regulations in respect thereto issued by the Minister of Interior in coordination with the Minister of Justice (or, in the City of Berlin, by authorities competent to issue such regulations);

e. The property is not under requisition by the Occupation Forces;

f. Absentee or non-German owners affected by the exercise of the power of eminent domain pursuant to this License may appeal to the Office of the United States High Commissioner for Germany or such agency as it may designate, from any final action taken pursuant hereto, on grounds that there was discrimination or other treatment alleged by the appellant to be inequitable. Upon any appeal, the Office of the United States High Commissioner for Germany or its designee may vacate the findings in the proceedings and remand the case to the appropriate German authorities with direction for further proceedings in con-

formity with the ruling of the Office of the United States High Commissioner for Germany or its designee;

g. Non-German owners affected by the power of eminent domain pursuant to this License may, upon approval of the Finance Division of the Office of Economic Affairs, Office of the United States High Commissioner for Germany, use funds received by them in compensation for the taking of their property pursuant to eminent domain proceedings, to acquire other real property in Germany up to the value of the property taken from them. The use of funds in this manner shall not prejudice such additional investment possibilities as may become available to such property owners pursuant to changes in Occupation policies presently in effect;

h. The Office of the United States High Commissioner for Germany will determine the final date before which an action must be brought and an appeal be taken in accordance with paragraphs *lc* and *f*, above.

2. This General License shall become effective within the Länder Bavaria, Hesse, Württemberg-Baden and Bremen, and except insofar as it has been issued pursuant to Military Government Law No. 53, in the United States Sector of Berlin on 15 June 1950.

Done at Frankfurt-on-Main, on 21 January 1950.

GEORGE F. HAYS,

For JOHN J. McCLOY,

U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11814; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 76]

ORDER ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following order issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

ORDER No. 1

Amendment No. 2 to General Order No. 3 pursuant to Military Government Law No. 52.

In order to proceed with the liquidation of the branches of the Bank der Deutschen Arbeit A. G. located in the United States Zone, the United States High Commissioner enacts as follows:

ARTICLE 1

Paragraph 6b of General Order No. 3 (pursuant to Military Government Law No. 52), as amended, is hereby amended to read as follows:

b. When directed to do so by the owner of any claim and provided that the designated recipient bank or banks shall agree to accept and assume liability therefor, a Liquidator may transfer from any branches of the Bank der Deutschen Arbeit A. G. within its jurisdiction to a bank or banks located in the United States, British or French Zones or in the United States, British or French Sectors of Berlin any liability

which was incurred in the normal course of operation of said branch of the Bank der Deutschen Arbeit A. G., including, but not restricted to, a deposit liability which has been converted and credited to a free Deutsche Mark account pursuant to the provisions of Military Government Law No. 53 and the credit balance of an investment account.

ARTICLE 2

This Amendment is applicable in the Laender of Bavaria, Hesse, Württemberg-Baden and Bremen. It shall become effective on 26 July 1950.

Done at Frankfurt-on-Main, on 20 June 1950.

JOHN J. McCLOY,
U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11815; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 77]

LAW ISSUED BY ALLIED HIGH COMMISSION
FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW NO. 33—FOREIGN EXCHANGE CONTROL

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

(1) The Federal Minister of Finance and the Federal Minister of Economics, within the scope of their respective authority, are authorized to issue administrative instructions for the enforcement of Articles 3, 4, 5 and 8 (2) of United States and British Military Government Laws No. 53 (revised) and Ordinance No. 235 of the French Commander-in-Chief (hereinafter referred to as the "Foreign Exchange Control Laws") and to require information as provided in Article 3 (Foreign Exchange Supervision) of the said Laws. The Federal Ministers of Finance and Economics may delegate to other official agencies the authority to issue such instructions and to require such information.

(2) In respect of matter subject to the provisions of the Foreign Exchange Control Laws and of this Law, the Oberfinanzdirektion shall be subject to the authority of the Federal Minister of Finance and the highest economic authorities of the Laender shall be subject to the authority of the Federal Minister of Economics. The Federal Ministers of Finance and Economics may require the submission of reports and pertinent files from all officials or agencies subject to their respective authority hereunder, and may appoint their representatives to act with such officials and agencies.

ARTICLE 2

(1) The Bank deutscher Laender is designated and authorized to issue orders and instructions, as provided in paragraph 4 of Article 2 (Declaration, Delivery and Disposi-

tion of Foreign Exchange Assets) of the Foreign Exchange Control Laws.

(2) The Bank deutscher Laender and the Land Central Banks are authorized to require the information referred to in paragraph (1) of Article 1 hereof.

(3) Customs authorities of the Federal Republic are authorized to carry out the provisions of Article 4 (Search of Persons and Baggage) of the Foreign Exchange Control Laws. Protests in respect of property seized, as provided in Article 5, paragraph 1, of the Foreign Exchange Control Laws, shall be filed with the Main Customs Office (Hauptzollamt). Where a protest is rejected, application for judicial review of orders of confiscation may be made to the appropriate Amtsgericht.

ARTICLE 3

Transactions which are void under the provisions of Article 7 of the Foreign Exchange Laws and which are subsequently authorized by the Allied High Commission or by any German agency empowered in its behalf, shall be deemed to have been effective as of the date when they took place, subject only to the terms of the authorizations.

ARTICLE 4

Foreign exchange assets within the meaning of Article 10 (d), (2) and (5) of the Foreign Exchange Control Laws shall not be acquired or disposed of against Deutsche Marks at rates other than those established by the competent authorities.

ARTICLE 5

(1) In the exercise of the powers and authority herein delegated, the Federal Ministers of Finance and Economics, the Bank deutscher Laender, the Land Central Banks, and all officials and agencies subject to their authority shall act on behalf of the Allied High Commission.

(2) The following provisions, in addition to those of Articles 5 and 8 of the Foreign Exchange Control Laws, shall be applicable:

(a) The provisions of Article 3, paragraphs 5, 7 and 8 and Article 5, paragraphs 1, 3, 4, 6, 7, 8 and 9 of Allied High Commission Law No. 14;

(b) The provisions, mutatis mutandis, of Economic Council Ordinance No. 116 (Ordinance to Simplify the Penal Provisions of Economic Legislation), dated 26 July, 1949 WIGBl. p. 193), as extended by the Federal Ordinance dated 24 January 1950 (BGBI. p. 24) and the Federal Law dated 29 March 1950 (BGBI. p. 78), contained in Articles 6, 27, 28, 29, (2), in Articles 30 to and including 48, in Articles 53 to and including 61, and in Articles 63 to and including 101; provided, however, that

(i) The powers conferred upon the highest Land authority under the provisions of Article 94 of Economic Council Ordinance No. 116 shall be vested in the Federal Ministers of Finance and Economics;

(ii) The provisions of Section 459, paragraph 1 of the Reich Tax Code (Reichsabgabenordnung) shall govern the execution of orders imposing fines and the levying of costs for collecting fines in lieu of the provisions of Article 95, paragraph 1, and Article 98, paragraph 5, of Economic Council Ordinance No. 116.

(c) Acts in violation of the provisions of the Foreign Exchange Control Laws committed through negligence (Fahrlässigkeit) shall constitute offences within the meaning of Article 8 of those Laws.

(d) Where transactions are authorized subject to the fulfillment of certain written stipulations (Auflage), failure to carry out such stipulations in the prescribed time and manner shall constitute an offence, provided that specific reference is made in each stipulation to the penal provisions of the Foreign Exchange Laws.

(3) The Oberfinanzdirektion is designated as administrative authority within the mean-

ing of paragraph 2 of Article 8 of the Foreign Exchange Control Laws and Article 99 of Economic Council Ordinance No. 116. The Main Customs Office (Hauptzollamt) shall also have jurisdiction to impose fines for violations of the provisions of Article 1, paragraph 2 of the Foreign Exchange Control Laws. The Federal Minister of Finance may extend the jurisdiction of the Oberfinanzdirektion to cover more than one region (Bezirk). Where there is no Oberfinanzdirektion in a Land, he may designate other agencies of the finance administration to exercise appropriate jurisdiction.

(4) Officials of the customs administration shall cooperate in the prosecution of economic offences and violations punishable by administrative fines in accordance with the provisions of Section 163, paragraph 1, of the Code of Criminal Procedure (Strafprozeßordnung). In the prosecution of offences against the Foreign Exchange Control Laws, the officials of the Custom Investigation Service (Zollfahndungsdienst) and the Customs Frontier Control Service (Zollgrendienst) shall act as auxiliary officials of the Public Prosecutor. Customs authorities shall transmit all records of their proceedings without delay to the competent administrative authority.

(5) Fines imposed and property confiscated by administrative authorities shall accrue to the Treasury of the Federal Republic.

ARTICLE 6

The exercise of the powers delegated by this Law shall be subject to any regulation, instruction or order of the Occupation Authorities or of any agency designated by them. No such powers shall be exercised over any member of the Allied Forces except as authorized by any such regulation, instruction or order.

ARTICLE 7

Subject to the provisions of Allied High Commission Law No. 13, other than paragraph (b) (ii) of Article 1 thereof, German courts and appropriate administrative authorities are authorized to exercise jurisdiction in respect of offences against the Foreign Exchange Control Laws and all Regulations issued thereunder.

ARTICLE 8

The German text of this Law shall be the official text.

Done at Bonn, Petersberg, on 2 August 1950.

On behalf of the Council of the Allied High Commission.

GEORGE P. HAYS,
For JOHN J. McCLOY,
U. S. High Commissioner for Germany,
Chairman.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11816; Filed, Dec. 15, 1950;
8:54 a. m.]

[Public Notice 78]

LAW ISSUED BY ALLIED HIGH COMMISSION
FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed

to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW NO. 34—APPLICATION OF LAND REFORM LEGISLATION TO PROPERTY OF NON-GERMAN NATIONALS

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

Except as hereinafter provided, land owned by a non-German national and not heretofore subject to legislation relating to land reform shall be subject to such legislation in the same manner as land owned by a German national.

ARTICLE 2

1. Where land within the purview of Article 1 is in excess of the area permitted by land reform legislation the owner shall, within a period of one year from the effective date of this Law, and notwithstanding the provisions of SHAEF and US Military Government Laws No. 52 (Amended), US and UK Military Government Laws No. 53 (Revised) and Ordinance No. 235 of the French Commander-in-Chief for Germany, be entitled to dispose of such land wholly or in part.

2. Where subsequent to the effective date of this Law, land of a non-German national becomes subject to the provisions of this Law by reason of an acquisition of land by inheritance or testamentary disposition, the period of one year referred to in paragraph 1 shall commence on the date of such acquisition.

3. Where land within the purview of Article 1 is owned jointly or in common by a non-German national and a German national, the non-German co-owner may dispose of his interest in the property. Where the disposal of such interest cannot be effected under the provisions of German Law within the prescribed time, the non-German and German co-owner may dispose of the whole of the property, provided that the interest of the German co-owner is not greater than that of the non-German.

ARTICLE 3

Except as may be authorized by special license, the proceeds of every sale made pursuant to Article 2 shall be paid into an account blocked pursuant to the provisions of the respective enactments specified in paragraph 1 of that Article.

ARTICLE 4

The following transfers made during the period specified in paragraph 1 of Article 2 by a non-German national who owns land within the purview of Article 1 in excess of that permitted by land reform legislation shall be null and void:

(a) Transfers of land to the spouse of the transferor, to relations by blood or marriage in the direct line, or to collateral relations by blood or marriage to the fourth degree;

(b) Transfers of land combined with any agreement or understanding whereby any interest is retained directly or indirectly for the benefit of the transferor, or of any of the persons specified in sub-paragraph (a).

ARTICLE 5

The transferor of land disposed of pursuant to Article 2 shall, within one week of the transfer, give notice thereof to the competent German agricultural authorities. Parties to the transaction shall, on demand by such authorities, give all the information in their possession as to the terms of the transaction, as to their personal relationship to each other, and as to their nationality.

ARTICLE 6

For the purpose of this Law the expression "non-German national" shall mean—

(a) Any natural person who is a national of a state other than Germany and is not also a German national;

(b) Any juristic person established under the Law of a state other than Germany.

ARTICLE 7

Subject to any particular reservation imposed by the Allied High Commission land reform legislation shall be applicable to property owned or controlled by I. G. Farbenindustrie A. G. in the same manner as it is applicable to property of German nationals.

Done at Berlin, on 10 August 1950.

On behalf of the Council of the Allied High Commission.

JOHN J. McCLOY,

U. S. High Commissioner for Germany,
Chairman.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11817; Filed, Dec. 15, 1950;
8:55 a. m.]

[Public Notice 79]

REGULATION ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following regulation issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

REGULATION NO. 2

Amending Regulation No. 1 under United States and British Military Government Laws No. 53 (Revised) and Order No. 140 Being the First Implementing Regulation under French Military Government Ordinance No. 235.

The Council of the Allied High Commission issues the following regulation:

There shall be added after clause (f) of Article 1 of Regulation No. 1 under United States and British Military Government Laws No. 53 (Revised) and Order No. 140 being the first implementing regulation under French Military Government Ordinance No. 235 a clause (g) reading as follows:—

(g) Property imported into the Territory for the purpose of investment and not for re-sale.

Done at Bonn, Petersburg, on 11 August 1950.

By order of the Allied High Commission.

J. E. SLATER,
Secretary General.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing

legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11818; Filed, Dec. 15, 1950;
8:55 a. m.]

[Public Notice 80]

LAW ISSUED BY ALLIED HIGH COMMISSIONER FOR GERMANY

The following law issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW NO. 6

Implementing Allied High Commission Law No. 13, "Judicial Powers in the Reserved Fields".

The United States High Commissioner enacts as follows:

ARTICLE 1

1. The limitations set forth in Articles 1 and 2 of Allied High Commission Law No. 13 shall apply to non-German nationals who are civilian employees of the United States Armed Forces in Germany, to members of their families, and to non-German nationals in the service of such employees.

2. German courts shall not exercise criminal jurisdiction over any displaced person, except with respect to—

- a. Petty offenses (Ubertretungen);
- b. Penal orders (Strafbefehle);
- c. Any other case expressly authorized by the United States High Commissioner or his representative.

ARTICLE 2

Subject to the provisions of Article 1 (a) of Allied High Commission Law No. 13 and of Article 1 of this Law, German courts are expressly authorized to exercise jurisdiction (otherwise prohibited by the provisions of Article 1 (b) (i) or (ii) of Allied High Commission Law No. 13) in the following cases:

- a. Any case involving a petty offense (Ubertretung) against the Allied Forces;
- b. Any case involving an offense against the property of the Allied Forces, where the value of the property stolen or unlawfully possessed or the amount of damage or injury to the property does not exceed \$100;
- c. Any case involving an offense committed prior to 8 May 1945 against the members of the Armed Forces of the Occupying Powers; and
- d. Any case involving an offense in violation of any enactment of the Occupation Authorities, except offenses:
 - (i) Involving the security or prestige of the Allied Forces; or
 - (ii) Against individual members of the Allied Forces; or
 - (iii) Against property of the Allied Forces involving a value or amount exceeding \$100; or
 - (iv) Against U. S. Military Government Law No. 161 in which the person subject to prosecution is a non-German national who claims to have left his country of origin as a political, racial or religious refugee.

ARTICLE 3

1. Subject to the provisions of paragraph 2 of this Article, German courts are expressly authorized to exercise jurisdiction in any non-criminal case (otherwise prohibited

by the provisions of Article 2 (a) of Allied High Commission Law No. 13) over a person who is a member of the Allied Forces (except persons subject to Article 2 of the Articles of War) or is accredited to the Allied High Commission or to a High Commissioner or to a Commander of any of the Occupation Forces, or is a member of the family of such member or accredited person—

a. Where such person is a defendant and consents in writing to the jurisdiction; or

b. Where such person initiates the case; or

c. Where the case is connected with or related to the subject matter of another action theretofore initiated by such person and is asserted as a counteraction therein.

2. The provisions of paragraph 1 of this Article shall not apply to cases involving any matter referred to in Article 2 (b) of Allied High Commission Law No. 13 or to any cause of action for slander, libel, insult, false arrest or imprisonment, malicious prosecution, seduction, loss of right of consortium, alienation of affections, breach of promise to marry, divorce, dissolution or annulment of marriage, and proceedings to establish paternity or liability for maintenance of children.

3. Subject to the provisions of Article 2 (b) of Allied High Commission Law No. 13, German courts are authorized to exercise jurisdiction in non-criminal cases involving any person who had his ordinary residence in Germany at the time he became a member of the Allied Forces.

ARTICLE 4

Where any person employed by the Occupation Authorities or Forces is subject to the jurisdiction of the German courts hereunder and is a debtor under a judgment or instrument described in Section 794 of the Code of Civil Procedure, the German court may request the Occupation Authorities or Occupation Forces to honor orders of attachment or assignment pursuant to the provisions of Sections 829 and 835 of the Code of Civil Procedure with respect to any wages or salary payable to such employee in Deutsche Marks. Such requests and the orders of attachment or assignment shall have no binding effect upon the Occupation Authorities or Occupation Forces but shall be binding upon the parties involved to the extent of any action taken in compliance therewith.

ARTICLE 5

1. Where any displaced person, who has been served with a penal order (Strafbefehl) charging any offense except a petty offense, objects to the order within the time for making such objection under German law, the German court shall forthwith transfer the case to the United States District Court of the district where the German court is located or the defendant has his residence.

2. Where any displaced person is charged with a petty offense in a German court by penal order or otherwise the court shall, upon petition or motion of the defendant, transfer the case to the United States District Court of the district where the German court is located or where the defendant has his residence. Such petition or motion shall be made within the time for making objection to the venue of the court under German law or, if during the trial the defendant is informed by the court of any change in the legal aspects of the case (as provided in Section 265 of the Code of Criminal Procedure) which might result in conviction for an offense other than one embraced in the original accusation or charge, the petition or motion may be made upon receipt of such information.

3. Upon any such transfer, if the defendant is held in custody by German authorities, the German court shall order that he be transferred forthwith to the custody or con-

trol of the appropriate Occupation Authorities. If the court or German authorities fail promptly to order and to effect the removal of such case or the transfer of such custody or control as provided in this Article, any United States District Court is empowered and authorized to order such removal and transfer.

ARTICLE 6

Whenever the United States High Commissioner or his authorized representative determines that the interests of the Occupation are involved in any case in any German court, he may intervene, by notice to the court, at any time before the expiration of 180 days from final decision or judgment of the court or from the effective date of this Law, whichever is later. By such notice he may—

a. Withdraw such case from the German court for administrative determination or disposition of any questions involved;

b. Transfer to an appropriate United States District Court for adjudication or other appropriate disposition any such case pending before a court of first instance;

c. Suspend any judgment, decision, order, finding or sentence of a court of first instance or appellate court for a stated period or indefinitely; or

d. Refer to the Court of Appeals or to the Court of Restitution Appeals for appropriate disposition, any suspended judgment, decision, order, finding or sentence.

ARTICLE 7

1. Where any civil or criminal case is transferred from a German court to a United States District Court under Articles 5 or 6 hereof, the District Court shall have jurisdiction to proceed de novo or otherwise, as may be fitting, with the trial, adjudication or other disposition of the case. Any such case shall be subject to appeal or review to the same extent as if originally instituted in the District Court.

2. Where any civil or criminal case is transferred from a German court to the Court of Appeals or the Court of Restitution Appeals under Articles 5 or 6 hereof, the Court shall have jurisdiction to affirm, nullify, suspend, commute or otherwise modify, any decision, order, finding or sentence of the German court, or to remand the case to a German court or to a United States District Court for a new trial, or to make such disposition as the court may deem appropriate.

ARTICLE 8

Pursuant to the provisions of Article 9, paragraph 2, of Allied High Commission Law No. 13, the Land Commissioners for Bavaria, Bremen, Hesse and Württemberg-Baden are hereby authorized to exercise the following powers in their respective areas—

a. To authorize German courts to exercise jurisdiction in specific cases (not involving persons subject to Article 2 of the Articles of War) in which the exercise of such jurisdiction otherwise would be prohibited by the provisions of Articles 1 and 2 of Allied High Commission Law No. 13 and Article 1 of this law;

b. To issue certificates determining questions referred by German Authorities in accordance with the provisions of Article 3, paragraph 2, of Allied High Commission Law No. 13 and Regulation No. 1 thereunder;

c. To issue appropriate orders or directives for the purpose of correcting any condition resulting from unauthorized proceedings or decisions of German courts in matters excluded from their jurisdiction, and to take such other action as may be proper in view of the nullity of such proceedings or decisions, as provided in Article 4, paragraph 1, of Allied High Commission Law No. 13;

d. To validate retroactively invalid judicial or extrajudicial acts, as provided in Article 4, paragraph 2, of Allied High Commission Law No. 13;

e. To receive and take appropriate action with respect to applications of German Authorities for the production of documents or the attendance of witnesses, as provided for in Article 5 of Allied High Commission Law No. 13 and Regulation No. 1 thereunder after consultation with and approval of persons or agencies having control of such documents or command authority or administrative supervision with respect to such witnesses;

f. To require the production of German court records, files and other documents and to attend the hearing, whether public or otherwise, of cases in German courts, whenever the interests of the Occupation Authorities, in their opinion, may be involved, as provided in Article 6 of Allied High Commission Law No. 13;

g. To exercise the authority reserved in Article 6 hereof.

ARTICLE 9

For the purposes of this Law:

a. The term "displaced person" shall mean any person who is not of German or is of indeterminate nationality, who resides within the territory of the Federal Republic and has been certified as being within the mandate of the international organization entrusted by the United Nations with responsibilities for displaced persons and refugees;

b. The term "United States District Court" refers to the District Courts of the United States Courts of the Allied High Commission for Germany;

c. The term "Court of Appeals" refers to the Court of Appeals of the United States Courts of the Allied High Commission for Germany;

d. The term "Court of Restitution Appeals" refers to the Court of Restitution Appeals of the United States Courts of the Allied High Commission for Germany;

e. The term "Allied Forces" shall have the meaning set forth in paragraph 3 of Article 1 of Law No. 2 of the Allied High Commission for Germany, entitled "Definitions", and shall include non-German nationals who are civilian employees of the United States Armed Forces in Germany and members of their families, and non-German nationals in the service of such employees.

f. The term "petty offense" shall mean any offense for which the maximum penalty that may be imposed does not exceed a fine of 150 Deutsche Marks or detention (Haft) for six weeks or both.

ARTICLE 10

Directive and Interim directive under Allied High Commission Law No. 13 (Judicial Powers in the Reserved Fields), dated 28 December 1949 and 24 January 1950, are rescinded.

ARTICLE 11

This Law is applicable in the Laender of Bavaria, Bremen, Hesse and Württemberg-Baden. It shall become effective on 17 August 1950.

Done at Frankfurt-on-Main, on 11 August 1950.

JOHN J. McCLOY,

U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State,

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11819; Filed, Dec. 15, 1950; 8:55 a. m.]

[Public Notice 81]

LAW ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW No. 32—OPERATIONS ABROAD OF GERMAN INSURANCE COMPANIES

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

German insurance companies are authorized to cover in any currency:

(a) Any risks associated with the transport to its final place of destination of property exported from the specified area, as defined in Article 5;

(b) Any risks associated with contracts for construction, installation, repair, and other work where such contracts stipulate performance abroad and involve any export from the specified area;

(c) Any risks associated with the transport of property imported from any place abroad into the specified area and destined for use therein;

(d) Any risks associated with the transport of property from any place abroad to its final place of destination under contracts for work of all kinds in the specified area, or risks in the course of such work;

(e) Any risks associated with the transport of property from any place abroad to its final destination abroad where part of the transport is through the specified area.

ARTICLE 2

German insurance and re-insurance companies are authorized:

(a) To conclude with insurance and re-insurance companies which have their seat outside the specified area, re-insurance agreements in any currency including cession of re-insurance to and acceptance of re-insurance from the other party to the agreement;

(b) To maintain in force insurance and re-insurance policies covering persons whose ordinary residence is in the specified area, while such persons are temporarily outside the specified area, and to issue insurance and re-insurance policies in any currency covering such persons;

(c) To insure and re-insure in any currency any risks associated with property outside the specified area owned by a person whose ordinary residence is in the specified area.

ARTICLE 3

German insurance and re-insurance companies are authorized to make such agency arrangements with persons outside the specified area as may be necessary for transaction of the business referred to in Articles 1 and 2.

ARTICLE 4

This Law shall not exempt insurance and re-insurance companies from complying with the provisions of United States and British Military Government Laws No. 53 (Revised) and Ordinance No. 235 of the French High Commissioner in Germany, or from obtaining from the competent authorities any license required by law in respect of each class of insurance business.

ARTICLE 5

The term "specified area" in this Law means the territory of the Federal Republic and the Western Sectors of Berlin.

ARTICLE 6

The following legislation is hereby repealed: Ordinance No. 205 of the French

Commander-in-Chief in Germany concerning Certain Operations Abroad of German Insurance Companies, supplemented by Ordinance No. 218; United States and British Military Government Laws No. 16, as amended (Certain Operations Abroad of German Insurance Companies).

Done at Bonn, Petersberg, on 7 September 1950.

On behalf of the Council of the Allied High Commission.

A. FRANCOIS-PONCET,
French High Commissioner for Germany,
Chairman.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11820; Filed, Dec. 15, 1950; 8:55 a. m.]

[Public Notice 82]

LAW ISSUED BY ALLIED HIGH COMMISSION FOR GERMANY

The following law issued by the Allied High Commission for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW No. 39

Amending Law No. 8, "Industrial, Literary, and Artistic Property Rights of Foreign Nations and Nationals."

The Council of the Allied High Commission enacts as follows:

ARTICLE 1

Article 14 of Law No. 8 is hereby amended by inserting after paragraph (g) a new paragraph to read as follows:

(h) The following foreign nations shall be deemed to have been in a state of war with Germany from the dates specified below:

Country:	Date of commencement of the state of war
Argentina.....	27 March 1945
Australia.....	3 September 1939
Belgium.....	10 May 1940
Bolivia.....	7 April 1943
Brazil.....	22 August 1942
Bulgaria.....	8 September 1944
Burma.....	3 September 1939
Cambodia.....	3 September 1939
Canada.....	10 September 1939
Ceylon.....	3 September 1939
China.....	9 December 1941
Colombia.....	27 November 1943
Costa Rica.....	11 December 1941
Cuba.....	11 December 1941
Czechoslovakia.....	1 September 1939
Denmark.....	9 April 1940
Dominican Republic.....	11 December 1941
Egypt.....	26 February 1945
El Salvador.....	12 December 1941
Ethiopia.....	1 December 1942
Finland.....	15 September 1944
France.....	3 September 1939
Greece.....	6 April 1941
Guatemala.....	11 December 1941
Haiti.....	12 December 1941
Honduras.....	13 December 1941
Hungary.....	30 December 1944

Country:	Date of commencement of the state of war
Iceland.....	9 April 1940
India.....	3 September 1939
Iran.....	9 September 1943
Iraq.....	16 January 1943
Israel.....	3 September 1939
Italy.....	13 October 1943
Jordan.....	3 September 1939
Laos.....	3 September 1939
Lebanon.....	27 February 1945
Liberia.....	27 January 1944
Luxembourg.....	10 May 1940
Mexico.....	22 May 1942
Monaco.....	3 September 1939
Morocco.....	3 September 1939
Netherlands.....	10 May 1940
New Zealand.....	3 September 1939
Nicaragua.....	11 December 1941
Norway.....	9 April 1940
Pakistan.....	3 September 1939
Panama.....	12 December 1941
Paraguay.....	8 February 1945
Peru.....	13 February 1945
The Philippines.....	11 December 1941
Poland.....	1 September 1939
Rumania.....	26 August 1944
Saudi Arabia.....	1 March 1945
Syria.....	26 February 1945
Tunisia.....	3 September 1939
Turkey.....	23 February 1945
Union of South Africa.....	6 September 1939
Union of Soviet Socialist Republics.....	22 June 1941
United States of America.....	11 December 1941
United States of Indonesia.....	10 May 1940
United Kingdom of Great Britain and Northern Ireland.....	3 September 1939
Uruguay.....	22 February 1945
Venezuela.....	16 February 1945
Vietnam.....	3 September 1939
Yugoslavia.....	6 April 1941

ARTICLE 2

This Law shall be deemed to have become effective on 1 October 1949.

Done at Bonn, Petersberg, on 21 September 1950.

On behalf of the Council of the Allied High Commission, for A. Francois-Poncet.

ARMAND BERAUD,
Deputy French High
Commissioner for Germany,
Chairman.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11821; Filed, Dec. 15, 1950; 8:55 a. m.]

[Public Notice 83]

LAW ISSUED UNDER ALLIED HIGH COMMISSION FOR GERMANY

The following regulations issued by the Allied High Commission for Germany are deemed to be of interest to certain

United States citizens as having legal effect upon them or their property.

REGULATION No. 1 "LIQUIDATION OF IRON AND STEEL ENTERPRISES" UNDER LAW No. 27 "REORGANIZATION OF GERMAN COAL AND IRON AND STEEL INDUSTRIES"

The Council of the Allied High Commission issues the following Regulation:

ARTICLE 1

The following enterprises listed or described in Schedule A of Law No. 27 are hereby placed in liquidation as of the close of business on September 30, 1950:

1. Vereinigte - Stahlwerke Aktiengesellschaft.
2. Fried. Krupp.
3. Mannesmannrohren-Werke.
4. Klockner-Werke Aktiengesellschaft.
5. Hoesch Aktiengesellschaft.
6. Gutehoffnungshütte Aktienverein für Bergbau und Huttenbetrieb Gutehoffnungshütte Oberhausen Aktiengesellschaft.

ARTICLE 2

1. The Management Board (Vorstand or Direktorium, as the case may be) of each of such enterprises shall file a notice of dissolution of the enterprise with the court having jurisdiction under German law for entry in the commercial register (Handelsregister). Each such notice of dissolution shall be filed on or before September 30, 1950, and shall be effective at the close of business on September 30, 1950.

2. The Management Board (Vorstand or Direktorium, as the case may be) of each such enterprise shall file with the aforementioned court for entry in the commercial register (Handelsregister), a notice setting forth the names of the liquidators initially appointed. Each such notice shall be filed on or before September 30, 1950, and shall be effective at the close of business on September 30, 1950.

ARTICLE 3

1. The members of the Management Board (Vorstand or Direktorium, as the case may be) of each such enterprise are hereby initially appointed as the liquidators of the enterprise.

2. Within ninety days following the effective date of this Regulation, the Supervisory Board (Aufsichtsrat), or the equivalent thereof, of each such enterprise and any authorities and bodies having an interest therein may recommend to the Combined Steel Group persons to serve as liquidators in lieu of or in addition to those initially appointed.

3. The Combined Steel Group may appoint liquidators, and may remove persons serving as such.

ARTICLE 4

Liquidators shall function only pursuant to orders of the Combined Steel Group.

ARTICLE 5

The provisions of German Law with respect to dissolutions and liquidations shall be applicable only insofar as such provisions are specifically made applicable by orders of the Combined Steel Group.

ARTICLE 6

The Combined Steel Group may amend Article 1 by adding other enterprises listed or described in Schedule A of the Law.

ARTICLE 7

This Regulation shall become effective on the date of its publication.

Done at Bonn, Petersberg, on 14th September 1950.

By Order of the Allied High Commission.

G. P. GLAIN,
Secretary General.

REGULATION No. 2 "LIQUIDATION OF IRON AND STEEL ENTERPRISES" UNDER LAW No. 27 "REORGANIZATION OF GERMAN COAL AND IRON AND STEEL INDUSTRIES"

The Council of the Allied High Commission issues the following Regulation:

ARTICLE 1

1. The liquidators appointed under or pursuant to Regulation No. 1 under Law No. 27 shall be the sole legal representatives and managers of their respective enterprises. No person other than the liquidators may represent or act for such enterprises except with the specific authorization of the Combined Steel Group.

2. The liquidators shall be under the sole direction and supervision of the Combined Steel Group and shall be responsible only to it.

3. Where assets of an enterprise subject to Regulation No. 1 under the Law are subject to control by the Combined Coal Control Group, nothing in the present Regulation shall be construed to affect such control.

ARTICLE 2

1. Except as may be specifically authorized by the Combined Steel Group, where an enterprise has two liquidators, they must act jointly in the exercise of their functions, and where it has more than two, a majority is required for the exercise of their functions.

2. The designation of the enterprise shall be its name followed by the words "in Liquidation".

3. Liquidators shall sign all documents on behalf of the enterprise with the designation of the enterprise and their individual signatures followed in each instance by the word "Liquidator". The number of liquidators required to sign shall be the number required by paragraph 1 of this Article.

4. A liquidator of an enterprise shall be responsible for any act taken by any other liquidator, except where he can establish lack of prior knowledge of such act or where he has recorded his dissent and the reasons therefor in writing.

5. A liquidator may delegate his functions only with the specific authorization of the Combined Steel Group.

6. A liquidator shall receive as compensation for his services the amount which he received as basic compensation in his former capacity in the enterprise, except as may be otherwise directed by the Combined Steel Group. Where liquidators are appointed in lieu of or in addition to those initially appointed, compensation shall be as directed by the Combined Steel Group.

ARTICLE 3

1. The liquidators shall conduct the affairs of the enterprise in a manner designed to achieve an orderly liquidation which will protect the interests of creditors and stockholders. For this purpose:

(a) the liquidators shall make recommendations to the Combined Steel Group for the disposal of assets on being advised by the Group that such assets are not required for reorganization plans pursuant to Articles 3 and 4 of the Law. The liquidators shall thereupon make such disposal of such assets as may be authorized or directed by the Combined Steel Group.

(b) pending the consummation of reorganization plans pursuant to Articles 3 and 4 of the Law or the disposal of assets not subject to inclusion in such plans, the liquidators shall carry on normal business with respect to the assets subject to such plans or disposal;

(c) the Combined Steel Group will instruct the liquidators which of their acts and transactions require the prior authorization of the Combined Steel Group. Pending the issuance of such instructions, all transactions not in the ordinary course of business

require the prior authorization of the Combined Steel Group.

2. Where an enterprise is unable to meet its obligations as they mature or where it appears that the assets of an enterprise are less than its liabilities, the liquidators shall promptly advise the Combined Steel Group and shall take such action as may be authorized or directed by it.

3. The liquidators may consult with and shall render reports and accounts to the Supervisory Board (Aufsichtsrat), or the equivalent thereof, of their respective enterprises in all matters affecting the enterprise. The liquidators shall promptly forward to the Combined Steel Group any recommendations made at any time by the Supervisory Board (Aufsichtsrat).

ARTICLE 4

1. The liquidators shall promptly take the necessary action to require claimants to file their claims against or establish their interests in the enterprise.

2. The place, time and manner of publication of the notice to claimants shall be determined by the Combined Steel Group.

ARTICLE 5

1. The liquidators shall make distributions to claimants, as and when authorized or directed by the Combined Steel Group.

2. The liquidators shall make such provision for disputed claims, for unidentified creditors and stockholders and for contingent liabilities as may be authorized or directed by the Combined Steel Group.

ARTICLE 6

1. The liquidators may submit to the Combined Steel Group proposals for the treatment of claimants under Article 5 of the Law.

2. The liquidators may consult with any claimant or with any association or committee of claimants. The liquidators shall render all reasonable assistance to claimants and may actively cooperate with them in the preparation and presentation of proposals for the treatment of their claims and interests.

ARTICLE 7

The liquidators shall prepare and submit to the Combined Steel Group such balance sheets, accounts and reports, including certifications by German public accountants, and in such form as may be directed by the Combined Steel Group.

ARTICLE 8

The liquidation shall be terminated and liquidators discharged pursuant to orders of the Combined Steel Group.

ARTICLE 9

This Regulation shall become effective on the date of its publication.

Done at Bonn, Petersberg, on 14th September 1950.

By Order of the Allied High Commission.

G. P. GLAIN,
Secretary General.

REGULATION No. 3 UNDER LAW No. 27 "REORGANIZATION OF GERMAN COAL AND IRON AND STEEL INDUSTRIES"

The Council of the Allied High Commission issues the following Regulation:

ARTICLE 1

Insofar as the provisions of Law No. 27 (Reorganization of German Coal and Iron and Steel Industries) apply to I. G. Farbenindustrie A. G. in liquidation, they shall only affect the colliery assets owned or controlled by such enterprise.

ARTICLE 2

This Regulation shall be deemed to have become effective as of 26 May 1950.

Done at Bonn, Petersberg, on 14th September 1950.

By Order of the Allied High Commission.

G. P. GLAIN,
Secretary General.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11822; Filed, Dec. 15, 1950;
8:55 a. m.]

[Public Notice 84]

LAW ISSUED BY ALLIED HIGH COMMISSION
FOR GERMANY

The following law issued by the United States High Commissioner for Germany is deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

LAW NO. 8

Amendment No. 1 to Military Government Ordinance No. 33, "Code of Civil Procedure for United States Military Government Courts for Germany."

The United States High Commissioner for Germany enacts as follows:

ARTICLE 1

Military Government Ordinance No. 33, "Code of Civil Procedure for United States Military Government Courts for Germany," is amended by the addition thereto of the following Article:

ARTICLE XII-A—PROCEDURE IN FORFEITURE
CASES

1. Cases brought by the United States High Commissioner for Germany for the forfeiture or confiscation of personal property (including money) in which the following conditions obtain, shall be cases for the enforcement of penalties and forfeitures of which the District Court may take cognizance:

a. The property shall have been lawfully seized; and

b. The possession, use, purchase, sale, transportation, importation, exportation, non-declaration or non-disclosure of such property is alleged to be unlawful or the possession of such property is alleged to result from unlawful acts; and

c. The owner or person in possession of such property has defaulted, died, forfeited bail or departed the jurisdiction of the Court, or, after diligent search, such person cannot be located or apprehended or the identity of such person cannot be ascertained.

2. In such cases the following procedure shall be applicable:

a. A complaint shall be filed in the District Court of the district in which the property is located on behalf of the United States High Commissioner for Germany, setting forth the pertinent facts, including a description of the property, its physical situs, the circumstances under which it was seized, the name or names and addresses of any claimants or persons known to be interested therein, or a

statement that there are no known claimants or persons interested, the law violated by the possession, use, purchase, sale, transportation, importation, exportation, non-declaration or non-disclosure thereof, and a prayer for the relief or remedy sought.

b. The District Court shall thereupon as of course cause to be issued an order of notice which shall be prominently displayed in the court premises and shall be published in English and German once a week for three successive weeks in a newspaper or newspapers of general circulation within the district or as near thereto as may be possible. The order of notice shall contain a concise statement of the complaint and shall fix a return date therefor, which shall be not less than fourteen days after the date of last publication, and shall provide that claims to such property shall be filed not later than such return date. The court shall also cause service of a copy of the complaint in English and German to be made in the usual manner upon any claimant or person known to be interested in such property who is within its jurisdiction, and by registered mail upon any such person not within its jurisdiction. The return date of the complaint shall be stated.

c. Any claimant to or person asserting an interest in such property may file an answer on or before the return date, setting forth facts and reasons why the relief sought in the complaint should not be granted, and praying for the relief to which he claims to be entitled.

d. The court shall set the case for hearing as soon as conveniently possible after the return date, and shall seasonably notify all persons who have filed answers, or their attorneys, of the time and place of hearing.

e. At the hearing the court shall adjudicate the claims and interests of all persons having or asserting an interest with respect to the property and shall make such findings and orders with respect thereto as shall be just and lawful. The court may order the forfeiture of the property and may order the confiscation thereof to the United States High Commissioner for Germany. Where necessary and where not prohibited by law or regulation, the court may order a sale of the property at public auction and may fix the terms and conditions of such sale. The court may order the transfer of claims to the proceeds of such sale. Property ordered confiscated to the High Commissioner shall be disposed of as directed by the High Commissioner.

f. Appeals and procedural matters other than those specifically dealt with in this Article shall be governed by the provisions of this Ordinance.

3. The provisions of Military Government Law No. 17, "International Frontier Control", of Regulations issued thereunder, and of Military Government Ordinance No. 20, "Prohibition against the Import of Cigarettes and other Tobacco Products", pertaining to the seizure, control, confiscation, and disposition of property seized pursuant to such Law, Ordinance, and Regulations and alleged to be in violation thereof shall apply to such seizure, control, confiscation, and disposition, and the procedures provided by this Article shall not apply thereto.

ARTICLE 2

This Law is applicable within the Laender of Bavaria, Bremen, Hesse and Wuerttemberg-Baden.

Done at Frankfurt-on-Main, on 18 September 1950.

GEORGE P. HAYS,
For JOHN J. McCLOY,
U. S. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently exist-

ing legal force and effect of the matter quoted above.

For the Secretary of State.

GEOFFREY W. LEWIS,
Deputy Director,
Bureau of German Affairs.

DECEMBER 11, 1950.

[F. R. Doc. 50-11823; Filed, Dec. 15, 1950;
8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3717 et al.]

EXPRESO AEREO INTER-AMERICANO, S. A.;
REOPENED CUBA-FLORIDA AIR CARRIER
PERMIT CASE

NOTICE OF HEARING

In the matter of the Cuba-Florida Air Carrier Permit Case as reopened for further hearing with respect to the fitness, willingness, and ability of Expreso Aereo Inter-Americano, S. A., to operate the Havana-Miami route and to permit that carrier to introduce further evidence bearing on the nationality of persons controlling the company.

Notice is hereby given that the above-entitled proceeding is assigned for hearing on December 19, 1950, at 10:00 a. m., e. s. t., in Room 1011, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith. Particular attention will be directed to (a) the nationality of persons controlling Expreso, and (b) whether that carrier is fit, willing, and able to operate the Havana-Miami route.

Notice is further given that any persons other than the parties of record desiring to be heard in this proceeding must file with the Board on or before December 19, 1950, a statement setting forth the issues of fact and law to be controverted.

Dated at Washington, D. C., December 13, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-11807; Filed, Dec. 15, 1950;
8:53 a. m.]

[Docket No. 4364]

COMPANIA DOMINICANA DE AVIACION, C. POR
A.; CIUDAD TRUJILLO-MIAMI AND CIUDAD
TRUJILLO-SAN JUAN SERVICE

NOTICE OF FURTHER HEARING

In the matter of the application of Compania Dominicana de Aviacion, C. Por A., for a foreign air carrier permit authorizing the foreign air transportation of persons, property and mail (a) between the terminal points Ciudad Trujillo, Dominican Republic, and Miami, Fla., and (b) between the terminal points Ciudad Trujillo, Dominican Republic, and San Juan, Puerto Rico.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that further hearing in the above-entitled proceeding

is assigned to be held on Thursday, December 21, 1950, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 11, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-11808; Filed, Dec. 15, 1950;
8:53 a. m.]

[Docket No. 4728 et al.]

NATIONAL AIRLINES, INC.; NATIONAL DC-6 DAYLIGHT COACH INVESTIGATION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of fares, rules, charges, and other provisions proposed by National Airlines, Inc., pursuant to the Local Passenger Tariff C. A. B. No. 43 and first Revised Page 2 thereto.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the public hearing in the above-entitled proceeding, previously assigned to be held on December 18, 1950, is hereby postponed to a time and place to be determined later.

Dated at Washington, D. C., December 14, 1950.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 50-11915; Filed, Dec. 15, 1950;
8:58 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[DTA Delegation 1]

DIRECTOR, BUREAU OF SERVICE, INTERSTATE
COMMERCE COMMISSION

DELEGATION OF AUTHORITY WITH RESPECT TO USE OF PASSENGER-CARRYING TRANSPORTATION EQUIPMENT BY RAIL CARRIERS

Pursuant to the authority of the Defense Production Act of 1950 (64 Stat. 798), Executive Order 10161 (15 F. R. 6105), and Organization Order DTA 1 (15 F. R. 6728), there is hereby delegated to the Director of the Bureau of Service of the Interstate Commerce Commission (hereinafter referred to as the Director) the authority to perform the functions, and exercise the power conferred by section 101 of Executive Order 10161 upon that commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, for the purpose of allocating the use of passenger-carrying transportation equipment by rail carriers in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense.

The Director may perform the functions and exercise the power conferred

upon him by this order through such agencies, officers, and employees of the Government and in such manner as he may determine.

The exercise of the powers and authority conferred hereby shall be subject to the general control and supervision of the Administrator of the Defense Transport Administration.

Issued at Washington, D. C., this 13th day of December 1950.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 50-11735; Filed, Dec. 15, 1950;
8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

ORGANIZATIONAL STATEMENT

The organization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), is outlined below (in the formulation of the following regulations special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives):

CENTRAL OFFICE

Sec.

- I. Location.
- II. Official communications.
- III. Internal organization.
- IV. Where information may be secured or submittals made.
- V. Availability of opinions, orders and decisions.
- VI. Availability of official records.

CENTRAL OFFICE

SECTION I. *Location.* The Central Office of the Economic Stabilization Agency is located at Temporary Building E, 4th Street and Adams Drive SW., Washington, D. C.

SEC. II. *Official communications.* Official communications should be addressed to the Economic Stabilization Administrator, Washington 25, D. C.

SEC. III. *Internal organization.* There are in the Economic Stabilization Agency:

(a) An Economic Stabilization Administrator, hereinafter referred to as the Administrator, to whom functions have been delegated under Executive Order 10161 and the Defense Production Act of 1950.

(b) A Director of Price Stabilization, who shall perform such functions with respect to price stabilization as may be determined by the Administrator.

(c) A Wage Stabilization Board, which shall make recommendations to the Administrator regarding the planning and development of wage stabilization policies and shall perform such further functions with respect to wage stabilization as may be determined by the Administrator after consultation with the Board.

(d) From time to time the Administrator may, in accordance with section

407 (c) of the Defense Production Act of 1950, designate a Board of Review, consisting of one or more officers or employees of the Economic Stabilization Agency, to give consideration to a particular protest filed against a regulation or order relating to price controls and to make written recommendations to the Administrator concerning such protest.

SEC. IV. *Where information may be secured or submittals made.* Any person desiring information relative to a matter within the jurisdiction of the Economic Stabilization Agency or any person desiring to make a submittal or a request in connection with such a matter should communicate either orally or in writing with the Economic Stabilization Administrator.

SEC. V. *Availability of opinions, orders and decisions.* All final opinions, orders and decisions issued by the Administrator in the administrative adjudication of cases arising under the Defense Production Act of 1950, except those opinions, orders and decisions required for good cause to be held confidential, shall be available for public inspection at the office of the Economic Stabilization Agency.

SEC. VI. *Availability of official records.* Except as otherwise required by law, copies of and information from official records of the Economic Stabilization Agency, except such as are held confidential for good cause found, shall be made available to persons properly and directly concerned. Official records of the Economic Stabilization Agency shall include:

(a) All applications, registrations, petitions, protests, reports and returns filed with the Administrator under any statute, regulation, or executive order.

(b) All final opinions, orders and decisions issued by the Administrator.

(c) All pleadings, transcripts of testimony, exhibits, and all documents received in evidence or made part of the record of a proceeding held under any statute, regulation or executive order.

(d) All ceiling price regulations promulgated by the Administrator.

(e) All wage stabilization regulations promulgated by the Administrator.

(f) All other regulations promulgated by the Administrator pursuant to the Act.

ALAN VALENTINE,
Economic Stabilization Administrator.

[F. R. Doc. 50-11939; Filed, Dec. 15, 1950;
11:14 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8459, 8674, 8921, 9021, 9059,
9274, 9293]

HAMTRAMCK RADIO CORP. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m., on Tuesday, December 19, 1950, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.				
9021 BP-6746	New	Hamtramck Radio Corp., Hamtramck, Mich.	C. P.	1440 kc 500 w DA day-day time.
9274 BP-7067	New	Atlas Broadcasting Co., Hamtramck, Mich.	C. P.	1440 kc 500 w day-day time.

ARGUMENT No. 2

8459 BP-6088	New	Surety Broadcasting Co., Charlotte, N. C.	C. P.	930 kc 1 kw DA night, 5 kw day unlimited.
9099 BP-6790	WRRF	Tar Heel Broadcasting System, Inc., Washington, N. C.	C. P. to change hours of operation, increased power, etc.	930 kc 1 kw DA night 5 kw day unlimited.

ARGUMENT No. 3

8674 BP-6224	New	Mid-Island Radio Inc., Patchogue, New York.	C. P.	1280 kc 250 w day-day time only.
9293 BP-7174	New	Lee Morrison, Julian Sarachek, W. Frank Short, Leonard Savage, Harriet Schofield & Herbert Morrison d/b as Patchogue Broadcasting Co., Patchogue, N. Y.	C. P.	1280 kc 250 w day-daytime.

ARGUMENT No. 4

8921 BP-6515	New	Suffolk Broadcasting Corp., Patchogue, N. Y.	C. P.	1370 kc 500 w day-day time only.
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Dated December 4, 1950.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11750; Filed, Dec. 15, 1950; 8:48 a. m.]

[Docket Nos. 9582, 9708]

POPLAR BLUFF BROADCASTING CO. (KWOC)
AND LEE BROADCASTING, INC. (WTAD)

ORDER CONTINUING HEARING

In re application of the Poplar Bluff Broadcasting Company (KWOC), Poplar Bluff, Missouri, Docket No. 9532, File No. BP-7342; Lee Broadcasting, Inc. (WTAD), Quincy, Illinois, Docket No. 9708, File No. BP-7566; for construction permits.

The Commission having under consideration a motion, filed by Poplar Bluff Broadcasting Company (KWOC), on December 1, 1950, requesting a continuance of the hearing now scheduled for December 19, 1950; and

It appearing that this matter is pending before the Commission upon a petition for reconsideration and grant and objections thereto, and that counsel for the parties and the Commission have informally consented to the continuance as herein ordered, now therefore,

It is ordered, this 8th day of December 1950, that the motion is granted, and the hearing now scheduled to begin December 19 is continued to a date to be fixed by further order herein.

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.[F. R. Doc. 50-11754; Filed, Dec. 15, 1950;
8:48 a. m.]

No. 244—7

[Docket No. 9628]

KSOK BROADCASTING CO., INC. (KSOK)
MEMORANDUM OPINION AND ORDER SETTING
DATE FOR HEARING

In re application of KSOK Broadcasting Company, Inc. (KSOK), Arkansas City, Kansas, for construction permit; Docket No. 9628, File No. BP-7192.

The Commission has before it a petition for reconsideration filed August 15, 1950, by the KSOK Broadcasting Company, Inc., requesting that the Commission reconsider its order of July 26, 1950, denying petitioner's earlier petition filed May 5, 1950, for reconsideration and grant without hearing of the above-entitled application, and either (1) grant the above-entitled application without hearing, or (2) clarify its said order of July 26, 1950.

Station KSOK is presently licensed to operate on 1280 kc., with power of 1 kw., daytime only. The above-entitled application, filed April 13, 1949, requests a construction permit to increase hours of operation to unlimited time, using 100 watts at night. On April 13, 1950, it appearing that the proposed operation would not provide adequate coverage to the city of Arkansas City and that the requirements set forth in the Commission's standards for the establishment of a Class IV operation on a regional channel had not been met, the application was designated for hearing.

On May 5, 1950, the petitioner filed a petition for reconsideration and grant without hearing. On July 26, 1950, the Commission, being unable to conclude

that the matters set forth in the petition for reconsideration and grant warranted the establishment of a Class IV station on a regional channel, denied the said petition for reconsideration. The order of denial stated in part "that the aforesaid petition has not made a satisfactory showing how it would be impossible from an engineering point of view to establish a Class III station for nighttime operation on the channel at Arkansas City nor has it shown that the proposed operation will furnish satisfactory coverage to Arkansas City under the Standards of Good Engineering Practice."

The instant petition, filed August 15, 1950, attacks the above order on the ground that the Commission applied an improper standard in that it denied the petition for failing to show the impossibility of operating with 500 watts on 1280 kc. at Arkansas City; whereas, under the Commission's Standards of Good Engineering Practice and past decisions it is necessary that KSOK demonstrate only that such operation is "not practical from an engineering point of view." Petitioner alleges that the substantial and prejudicial difference between "impossible" and "not practical" is apparent from the plain meaning of the words; and that the use of the term "impossible" is completely inconsistent with the provision of the standards that an applicant for a Class IV station on a regional channel must show that adequate economic support is not available for a Class III station, for, if the applicant must show that Class III operation is impossible, it is immaterial whether or not there is adequate economic support for such operation.

The Commission agrees that the proper question to be determined in this case is whether the establishment of a Class III station on 1280 kc. at Arkansas City is "practical from an engineering point of view" and that the use of the word "impossible" in the Commission's order of July 26, 1950, was incorrect. Such use, however, was inadvertent and does not mean that the Commission's decision to deny the earlier petition for reconsideration was based upon the mere possibility of establishing a Class III station at Arkansas City.

In support of its claim that operation of a Class III station at Arkansas City would be "not practical from an engineering point of view", petitioner alleges that such operation would require the use of a directional antenna with 4, or at the very least 3 elements, costing \$31,650 exclusive of land and buildings and would provide service to only 2,698 persons more than would the proposed operation with a 100 watts. It was also alleged that the population and business potential of Arkansas City would not justify the above expenditure. The claim that a Class III operation would require a 4-element directional antenna is supported by an engineering affidavit, but the claim that the Class III operation could not be justified economically has not been supported by a showing of detailed facts.

A study by the Commission's Engineering Staff indicated that operation with 500 watts at Arkansas City would require only a relatively simple 2-element directional antenna. The cost of such an antenna is not known to the Commission but it is obvious that it would cost substantially less than a 4-element antenna. In addition to serving approximately 2,700 more persons, operation with 500 watts would ensure adequate service to Arkansas City, whereas with 100 watts service to the city would at the best be marginal. Operating with 100 watts, KSOK would fail to provide 25 mv/m over the entire business and industrial section of Arkansas City as required by the Commission's standards. Moreover on April 26, 1950, an initial decision was released looking toward the grant of an application (File No. BP-384, Docket No. 8305) to increase facilities of Station WGBF, Evansville, Indiana on its assigned frequency 1280 kc. Should this decision be made final, the nighttime limit to the proposed operation of KSOK would be raised to such an extent that the station would not even serve the entire city of Arkansas City. Service to Arkansas City should be considerably better with 500 watts; and such service would be protected from objectionable interference from operations proposed in any future applications which may be filed whereas under the Commission's rules and regulations KSOK operating with 100 watts as a Class IV station on 1280 kc would not be so protected against encroachments on its service area.

Upon consideration of the above, the Commission on July 26, 1950, concluded that the applicant had not sustained the burden of showing that operation with 500 watts at Arkansas City was not practicable from an engineering point of view. The instant petition does not allege any new facts which would lead us to a different conclusion.

Accordingly it is ordered this 4th day of December 1950, that the said petition, filed August 15, 1950, by the KSOK Broadcasting Company, Inc., is denied, insofar as it requests that the above-entitled application be granted without hearing, and is granted, insofar as it requests that the Commission's order of July 26, 1950, be clarified.

It is further ordered, That the said Commission order of July 26, 1950, is amended by striking therefrom the word "impossible" in the second line of the fourth paragraph and inserting in lieu thereof the words "not practical".

It is further ordered, That the hearing in the above-entitled proceedings shall commence at 10:00 a. m., on the 5th day of January 1951, at Washington, D. C.

Released: December 8, 1950.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11748; Filed, Dec. 15, 1950;
8:48 a. m.]

[Docket No. 9638]

GLOBE WIRELESS, LTD.

ORDER CONTINUING HEARING

In the matter of Globe Wireless, Ltd., applications for construction permits to authorize the move of certain transmitters to transmitting stations of Press Wireless, Inc.; Docket No. 9638, File Nos. 13681-C4-P-D, 13682-C4-P-D, 13850-C4-MP-E.

The Commission having under consideration a petition filed December 6, 1950, by the Chief of the Common Carrier Bureau, requesting indefinite continuance of the hearing in the above-entitled proceeding, now scheduled to commence December 11, 1950, in Washington, D. C., in order to permit action by the Commission on a motion for dismissal of said proceeding filed by Globe Wireless, Ltd., on December 4, 1950; and

It appearing, that counsel for the other parties in the proceeding have informally consented to a grant of the petition; and

It further appearing, that the public interest requires an early consideration of such petition and good cause has been shown for the grant thereof;

It is ordered, This 7th day of December 1950, that the petition be, and it is hereby, granted; and the hearing herein presently scheduled for December 11, 1950, be, and it is hereby, continued until further order.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11753; Filed, Dec. 15, 1950;
8:48 a. m.]

[Docket No. 9659]

MELBOURNE BROADCASTING CORP.
(WMMB)

ORDER DELETING ISSUES

In re application of Melbourne Broadcasting Corporation (WMMB), Melbourne, Florida, for construction permit; Docket No. 9659, File No. BP-7217.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of December 1950;

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEBU.....	Chihuahua, Chihuahua.	620 kilocycles, 250 w-N/1 kw D.	U	IV	Mar. 16, 1951
XEXO.....	Nuevo Laredo, Tamaulipas.	1140 kilocycles (change of call letters: previously XENT).			
XEBU.....	Chihuahua, Chihuahua.	1240 kilocycles (delete—See assignment on 620 kc).			

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11751; Filed, Dec. 15, 1950; 8:48 a. m.]

The Commission having under consideration a petition filed on November 24, 1950, by Melbourne Broadcasting Corporation requesting deletion of Issues 1 and 2 from the order of September 13, 1950, designating the above-entitled application for hearing;

It appearing, that the said Issues 1 and 2 relate to the legal, technical and other qualifications of the corporate applicant, its officers, directors and stockholders and to the ownership and distribution of the stock of the corporation; and

It further appearing, that on the basis of information contained in the said petition and exhibits thereto that the annual ownership report, FCC Form No. 323, as of December 31, 1949, and the interim ownership reports, FCC Form No. 323A, filed subsequent thereto correctly reflect the ownership and distribution of the stock of the corporation and that inaccuracies appearing in previous reports were due solely to inadequacies of the bookkeeping system then employed which condition has now been corrected;

It is ordered, That the said petition is granted and the order of September 13, 1950, designating the above-entitled application for hearing is amended to delete therefrom Issues 1 and 2.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-11749; Filed, Dec. 15, 1950;
8:48 a. m.]

[Mexican Change List No. 121]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 10, 1950.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

[Docket Nos. 9806, 9816]

ALLEN B. DU MONT LABORATORIES,
INC., ET AL.

ORDER CONTINUING HEARINGS

Allen B. Du Mont Laboratories, Inc., complainant v. American Telephone and Telegraph Company et al., defendants, Docket No. 9806; in the matter of American Telephone and Telegraph Company, et al., allocation of usage of intercity video transmission facilities; Docket No. 9816.

The Commission having under consideration a motion filed on December 6, 1950, by the Chief of its Common Carrier Bureau, requesting that the hearings now scheduled to begin in the above-entitled proceedings on December 11, 1950, at Washington, D. C., be postponed until December 18, 1950; and

It appearing, from the allegations contained in the said motion that discussions and negotiations are now being conducted between various parties to the above-entitled proceedings with the view to a possible resolution in advance of the hearings of issues involved therein affecting the said parties and that additional time is desired for the purpose of completing such consultations and negotiations; and

It further appearing, that all of the parties to the above-entitled proceedings have agreed to a waiver of § 1.745 of the Commission's rules and to a grant of the relief requested herein;

It is ordered, This 7th day of December 1950, that the motion be, and it is hereby, granted, and that the hearings in the above-entitled proceedings are continued until 10:00 a. m., Monday, December 18, 1950, at Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] T. J. SLOWIE,
Secretary.[F. R. Doc. 50-11752; Filed, Dec. 15, 1950;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1459]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On August 3, 1950, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. It appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of

the application, including publication in the FEDERAL REGISTER on August 26, 1950 (15 F. R. 5777).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on January 9, 1951, at 9:45 o'clock a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 50-11724; Filed, Dec. 15, 1950;
8:45 a. m.]

[Docket No. G-1506]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

On October 9, 1950, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 24, 1950 (15 F. R. 7131).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on January 10, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Wash-

ington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 12, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.[F. R. Doc. 50-11725; Filed, Dec. 15, 1950;
8:45 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-435]

GLADIOLUS BULB INDUSTRY

NOTICE OF HOLDING OF REGIONAL TRADE
PRACTICE CONFERENCE

Notice is hereby given that a regional (West Coast and Rocky Mountain States) trade practice conference for the Gladiolus Bulb Industry will be held by the Federal Trade Commission in the Hotel Biltmore, Los Angeles, California, on January 6, 1951, commencing at 11 a. m. (P. s. t.).

All persons, firms, corporations, and organizations engaged in the business of growing and distributing or marketing gladiolus bulbs in commerce, and particularly those so engaged in the States of Washington, Oregon, California, Idaho, Nevada, Utah, Wyoming, Arizona, Colorado, and New Mexico, are cordially invited to attend or be represented at said regional conference and to take part in the proceedings.

The regional conference on January 6, 1951, and such further conferences for the industry as the Commission may deem necessary or desirable, will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry whereby unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: December 13, 1950.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.[F. R. Doc. 50-11809; Filed, Dec. 15, 1950;
8:53 a. m.]INTERSTATE COMMERCE
COMMISSION

[4th Sec. Application 25645]

IRON AND STEEL ARTICLES—SOUTHERN
OHIO GROUP TO DYERSBURG, TENN.

APPLICATION FOR RELIEF

DECEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, carloads.

From: Ashland, Ky., Huntington, W. Va., New Boston and Portsmouth, Ohio.

To: Dyersburg, Tenn., and points grouped therewith.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 199.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11736; Filed, Dec. 15, 1950;
8:47 a. m.]

[4th Sec. Application 25646]

IRON AND STEEL ARTICLES FROM BIRMINGHAM DISTRICT AND ATLANTA

APPLICATION FOR RELIEF

DECEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, carloads.

From: Alabama City, Attalla and Gadsden, Ala., Birmingham, Ala., and points grouped therewith, and Atlanta, Ga.

To: New Albany and Tupelo, Miss.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 199.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11737; Filed, Dec. 15, 1950;
8:47 a. m.]

[4th Sec. Application 25647]

ALUMINA, CALCINED OR HYDRATED, TO BASTROP AND SHREVEPORT, LA.

APPLICATION FOR RELIEF

DECEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3883.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: East St. Louis, Ill.

To: Bastrop and Shreveport, La.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3883, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11738; Filed, Dec. 15, 1950;
8:47 a. m.]

[4th Sec. Application 25648]

CRUDE PETROLEUM OIL TO TWIN CITIES—G. N. RY.

APPLICATION FOR RELIEF

DECEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Great Northern Railway Company.

Commodities involved: Crude petroleum oil in its natural state or crude petroleum oil which has been subject to natural weathering treatment or settling.

From: Billings, East Billings, and Laurel, Mont.

To: St. Paul, Minneapolis, and Minnesota Transfer, Minn.

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: G. N. Ry. tariff I. C. C. No. A-8015, Supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11739; Filed, Dec. 15, 1950;
8:47 a. m.]

[4th Sec. Application 25649]

CRUSHED STONE, CANNON, MO., TO ALTON HOSPITAL, ILL.

APPLICATION FOR RELIEF

DECEMBER 13, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Cannon, Mo.

To: Alton Hospital, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: CB&QRR, tariff I. C. C. No. 20264, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 50-11740; Filed, Dec. 15, 1950;
8:47 a. m.]

LIBRARY OF CONGRESS

Office of the Librarian

[Gen. Order 1443]

HOURS OF SERVICE

NOVEMBER 21, 1950.

The following table provides, effective October 2, 1950, a statement of the hours of public service of the several administrative and other units of the Library. This General Order supersedes General Order No. 1410, dated August 4, 1949.

HOURS OF SERVICE

Services	Room No. ¹	Mondays through Fridays	Saturdays	Sundays	Holidays
General reading rooms:					
Main Reading Room.....	100	9 a. m.-10 p. m. ²	9 a. m.-6 p. m. ³	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Thomas Jefferson Room.....	5009, 5011	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Special reading rooms:					
Aeronautics Division.....	G-1006	9 a. m.-5:45 p. m.	Closed.....	Closed.....	Closed.....
Congressional ⁵	109	8:30 a. m.-10 p. m.	9 a. m.-6 p. m....	2 p. m.-10 p. m....	9 a. m.-10 p. m. ⁴
Federal Agencies Collection (take elevator C). Government Publications.....	Deck 37	9 a. m.-5:15 p. m.	Closed.....	Closed.....	Closed.....
Hispanic Foundation.....	239	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Law Library.....	244	9 a. m.-10 p. m. ²	9 a. m.-6 p. m. ³	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Law Library in the Capitol ⁶		9 a. m.-6 p. m....	9 a. m.-1 p. m....	Closed.....	Closed.....
Local History and Genealogy.....	5009A	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Manuscripts Division.....	3005	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	Closed.....	Closed.....
Map Division.....	140	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	Closed.....	Closed.....
Microfilm (take elevator C) Music Division.....	Deck 38	9 a. m.-5:45 p. m.	Closed.....	Closed.....	Closed.....
G-144		9 a. m.-5:45 p. m.	Closed.....	Closed.....	Closed.....
Newspapers (current). Newspapers (non-current). Orientalia Division.....	G-133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
5010, 5012		9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
5010, 5012		9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	Closed.....	Closed.....
Pamphlets Collection.....	G-133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Periodicals (current). Prints and Photographs.....	G-133	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
206		9 a. m.-5:45 p. m.	Closed.....	Closed.....	Closed.....
Rare Books.....	256	9 a. m.-5:45 p. m.	Closed.....	Closed.....	Closed.....
Slavic Room.....	5011B	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
Other services:					
Copyright Office.....	1027	8:30 a. m.-5:15 p. m.	Closed.....	Closed.....	Closed.....
Division for the Blind.....	1005	8:30 a. m.-5:15 p. m.	Closed.....	Closed.....	Closed.....
Exhibit Halls (various locations). Information Office.....		9 a. m.-10 p. m....	9 a. m.-10 p. m....	11:30 a. m.-10 p. m. ⁷	11:30 a. m.-10 p. m. ⁷
Loan Division ⁸	G-153	9 a. m.-5:15 p. m.	Closed.....	Closed.....	Closed.....
National Union Catalog.....	G-153	9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	Closed.....	Closed.....
Photoduplication Service.....	G-1008	9 a. m.-10 p. m....	9 a. m.-6 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
8:30 a. m.-5:15 p. m.		Closed.....	Closed.....	Closed.....	Closed.....
Study Rooms and Study Tables (various locations). Other Administrative Offices (various locations).		9 a. m.-5:45 p. m.	9 a. m.-1 p. m....	2 p. m.-6 p. m....	2 p. m.-6 p. m. ⁴
		8:30 a. m.-5:15 p. m.	Closed.....	Closed.....	Closed.....

¹ 3-digit room numbers, main building; 4-digit room numbers, Annex Building.

² The Main Reading Room and the Law Library will have available only limited service from 5:30 p. m.-10 p. m. Mondays through Fridays, and 12:45 p. m.-6 p. m. on Saturdays. Readers call slips are received after 5:30 p. m. Mondays through Fridays and 12:45 on Saturdays for books to be used on succeeding days.

³ Also open whenever either House of Congress is in session.

⁴ Closed on Christmas Day and the Fourth of July.

⁵ Closed on Christmas Day only.

⁶ During closed hours Congressional loans arranged through Congressional Reading Room; other questions regarding lending service handled by reference staff, Main Reading Room.

⁷ Special passes for use of Study Rooms and Study Tables until 10 p. m. on Mondays through Fridays and until 6 p. m. on Saturdays may be obtained from the Chief of the Stack and Reader Division.

LUTHER H. EVANS,
Librarian of Congress.

[F. R. Doc. 50-11742; Filed, Dec. 15, 1950; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2469]

LONG ISLAND LIGHTING CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of December A. D. 1950,

Long Island Lighting Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, wherein it proposed to issue and sell \$20,000,000 principal amount of first mortgage bonds maturing September 1, 1980; and

The Commission having, by order dated September 22, 1950, permitted said declaration, as amended, to become

effective subject to the reservation of jurisdiction with respect to the fees and expenses to be paid the indenture trustee and its counsel, and counsel for the purchasers of the bonds; and

Declarants having filed a further amendment in which it appears that Milbank, Tweed, Hope & Hadley, counsel for the purchasers of the bonds, has requested a fee of \$16,000 and expenses of \$425; Irving Trust Company, the indenture trustee, requests a fee of \$7,750; and Howie & Robertson, counsel for the indenture trustee, requests a fee of \$3,000; and

It appearing that while the requested fee of counsel for the purchasers of the bonds appears on the surface to be high, the special circumstances pertaining to the services performed in the instant transaction indicate that the requested fee is not unreasonable; and

It appearing that the other requested fees and expenses are for necessary services and are not unreasonable;

It is hereby ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses to be paid the indenture trustee and its counsel, and counsel for the purchasers of the bonds be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-11727; Filed, Dec. 15, 1950;
8:46 a. m.]

[File Nos. 54-149, 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS TO PAY FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December A. D. 1950.

In the matter of Electric Bond and Share Company, American Power & Light Company; File Nos. 54-168, 54-149.

In the matter of Electric Bond and Share Company, American Power & Light Company, et al.; File No. 59-12.

The Commission on September 22, 1949 issued its findings approving, subject to amendment in certain respects, an amended joint plan ("Plan") of American Power & Light Company ("American"), a registered holding company, then a subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (— S. E. C. — (1949), Holding Company Act Release No. 9359-A). The plan provided in its major respects for the distribution by American to the holders of its preferred and common stocks, and in exchange therefor, substantially all of the assets of American consisting principally of the common stocks of operating utility subsidiaries. The plan further provided that American would continue in existence as a registered holding company pending a

program for the disposition by American of the assets not distributed under the plan consisting principally of the common stocks of Pacific Power & Light Company, Portland Gas & Coke Company, The Washington Water Power Company, and cash. The plan also provided for the compromise and settlement of certain claims asserted by American and its subsidiaries on the one hand against Bond and Share and certain of its wholly owned subsidiaries on the other hand. On October 4, 1949, the Commission issued its order approving said plan as amended to conform to the Commission's findings of September 22, 1949. Said order reserved, however, among other things, jurisdiction over the payment of all fees and expenses incurred or to be incurred in connection with the plan and the transactions recited therein (Holding Company Act Release No. 9389). The plan was approved

by an appropriate District Court of the United States (U. S. D. C. (S. D. N. Y.) Civil Action No. 52-324), and has since been consummated.

Shortly prior to February 15, 1950, the date on which the plan was put into effect, American sold 500,000 shares, all of the then outstanding shares of common stock of Pacific Power & Light Company and subsequently distributed the cash proceeds from said sale to the holders of the reclassified capital stock of the present American company which reclassified capital stock had been distributed under the plan to the former preferred and common stockholders in the same respective ratios as the other assets of American had been distributed.

Notice is hereby given that applications for the payment of fees and reimbursement of expenses have been filed by the following persons and in the following amounts:

Name and Capacity	Fees	Expenses	Total
Root, Ballantine, Harlan, Bushby & Palmer, counsel for American	\$145,200.00	\$8,601.81	\$153,801.81
W. Howard Miller, financial adviser to American	13,300.00	1,094.81	14,394.81
Gilbert Associates, Inc., engineering advisers to American	23,523.68	1,738.67	25,262.35
Ebasco Services, Inc.	15,289.83	409.75	15,699.58
City Bank Farmers Trust Co., distribution agent under the plan	57,500.00		57,500.00
McLean, Southard & Hunt, Maine counsel for American	820.00	86.23	906.23
Simpson, Thatcher & Bartlett, counsel to Bond and Share	65,000.00	2,085.64	67,085.64
Reid & Priest, counsel to Bond and Share	500,000.00	3,893.77	503,893.77
Ebasco Services, Inc., financial advisers to Bond and Share	141,135.05		141,135.05
Drexel & Co., financial adviser to Bond and Share	20,000.00		20,000.00
Leo B. Mittelman, estate of Joseph Nemerov, by Nemerov & Shapiro, and H. Paul Shanik, counsel to Special Protective Committee of Common Stockholders of American	350,000.00	11,417.09	361,417.09
Theodore R. Mackoul, financial adviser to Special Protective Committee of Common Stockholders of American	125,000.00		125,000.00
Alfred J. Kirsh	40,000.00		40,000.00
Norman S. Nemer	25,000.00		25,000.00
Robert M. Zelnick	10,000.00		10,000.00
Harold Barnett	15,000.00		15,000.00
(Members of Special Protective Committee of Common Stockholders of American.)			
Shearman & Sterling & Wright, counsel for \$6 preferred stock group	100,000.00	13,092.66	113,092.66
E. Ralph Sterling, financial adviser to \$6 preferred stock group	20,000.00	236.38	20,236.38
Debevoise, Plimpton & McLean, counsel for \$5 preferred stock group	90,000.00	7,686.74	97,686.74
Reis & Chandler, Inc., financial advisers to \$5 preferred stock group	50,000.00	1,653.25	51,653.25
George B. Martin and Newman & Bisco, counsel for H. Lane Ogle, a preferred and common stockholder of American	10,000.00	460.33	10,460.33
Hoffman, Bondi, Buehwald & Hoffman and Howard Hilton Spellman, counsel for Ada H. Loveman, a \$6 preferred stockholder of American	3,000.00	75.72	3,075.72
	1,370,069.56	52,927.15	1,422,996.71

¹ For services rendered between Oct. 24, 1947, and June 1, 1950.

The above claims for compensation and reimbursement of expenses are sought to be paid out of the residuary assets of American. Bond and Share seeks reimbursement from American for its expenses with the exception of the proposed fee of Simpson, Thatcher & Bartlett, whose services were limited to those aspects of the reorganization plan dealing with claims against Bond and Share.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, That a hearing on said applications be held before the hearing officer heretofore designated to preside in these proceedings on January 3, 1951, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On said date the hearing room clerk will advise as to the room in which such hearing will be held. Any person who is not already a party, or who has not been granted leave to participate herein, who

desires to be heard or otherwise wishes to participate, shall file with the Secretary of this Commission on or before December 31, 1950, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the requested amounts for fees and expenses were incurred in rendering services which were necessary in connection with the reorganization plan and whether the requested amounts are reasonable.

(2) Whether Bond and Share may obtain recoupment from American for any expenses or disbursements incurred or made by it in connection with the said plan of reorganization.

(3) Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation and reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on the parties herein and those who have been given leave to participate in these proceedings and on the applicants herein, that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-11728; Filed, Dec. 15, 1950; 8:48 a. m.]

[File No. 70-2527]

COLUMBIA GAS SYSTEM, INC., AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of December A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transaction:

Manufacturers proposes to issue and sell to Columbia \$2,000,000 principal amount of 3¼ percent installment promissory notes. Such notes are to be paid in equal annual installments on February 15th of each of the years 1952 to 1976, inclusive. The applicant states that the proceeds to be obtained through the issue and sale of said notes will be utilized by Manufacturers to finance the completion of its 1950 construction program.

The Public Utility Commission of Pennsylvania approved the issue and sale of the proposed 3¼ percent notes by Order dated October 16, 1950.

Said joint application-declaration having been filed on November 7, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said

notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-11729; Filed, Dec. 15, 1950;
8:46 a. m.]

[File No. 70-2542]

LONG ISLAND LIGHTING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of December A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Long Island Lighting Company ("Long Island"), a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 29, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 29, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to enter into an agreement which will provide for borrowing from five banks from time to time during the first eleven months of the year 1951 of an aggregate amount not to exceed \$22,500,000 at any one time.

The aggregate amount of \$22,500,000 will be apportioned as follows:

The National City Bank of New York.....	\$10,000,000
The New York Trust Co.....	5,000,000
Bank of The Manhattan Co.....	5,000,000
The Public National Bank & Trust Co. of New York.....	2,400,000
Nassau County Trust Co.....	100,000
Total.....	22,500,000

The amount of each borrowing from each bank and of repayment will be in proportion to each bank's participation in the total amount of \$22,500,000. Each borrowing will be evidenced by promissory notes which will be dated as of the date of the borrowing. Each note will mature in four months, except that no note will be payable after December 1, 1951. The interest rate on each note will be the then existing New York City prime rate to commercial borrowers, but not to exceed 2½ percent per annum. The proceeds will be used in the first instance to repay existing short term borrowings, and, thereafter, for additions and betterments to declarant's property.

Declarant states that no commission other than this Commission has jurisdiction over the proposed transaction.

Declarant requests that the Commission enter its order as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-11730; Filed, Dec. 15, 1950;
8:46 a. m.]

[File No. 70-2511]

JERSEY CENTRAL POWER & LIGHT CO.
GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of December A. D. 1950.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Jersey Central Power & Light Company ("Jersey Central"), having filed a joint application, as amended, pursuant to the provisions of sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Jersey Central will issue and sell to GPU, and GPU will purchase from Jersey Central, 300,000 shares of Jersey Central's \$10 par value common stock for an aggregate purchase price of \$3,000,000. Jersey Central will utilize such funds to repay \$3,000,000 face amount of its promissory notes now held by banks.

Such joint application, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application, as amended, within the period specified in said notice, or other-

wise, and not having ordered a hearing thereon; and

It appearing that the Board of Public Utility Commissioners of the State of New Jersey has issued an order expressly authorizing Jersey Central to issue and sell its 300,000 shares of common stock; and

It appearing that \$2,776,606 of the proposed purchase price of \$3,000,000 represents the unexpended balance of the net proceeds of the Sale by GPU of the common stock of its former subsidiary, Staten Island Edison Corporation ("Staten Island"), to Consolidated Edison Company of New York, Inc. ("Con Ed"), and that the issuance by Jersey Central of 277,660.6 shares of such stock to GPU is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and the applicants having requested that the Commission enter an order with respect to the proposed transaction conforming to the requirements of Sections 371-373, inclusive, of the Internal Revenue Code; and

It appearing that the firm of Autonrieth & Rochester, counsel for Jersey Central, has requested a fee of \$1,200 and repayment of disbursements which will not exceed \$100, and it appearing that the services performed are necessary and that the fees and disbursements are not unreasonable; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, and that the request of applicants be granted that the transactions may be consummated forthwith and that the appropriate recitals conforming to the requirements of the Internal Revenue Code be set forth in the Commission's order:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the joint application, as amended, be and hereby is, granted so as to permit the proposed transactions to be consummated forthwith, subject to the terms and conditions prescribed by Rule U-24 to the general rules and regulations under the act.

It is further ordered and recited, That the following transactions are necessary or appropriate to the integration or simplification of the General Public Utilities Corporation System, of which Jersey Central is a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The expenditure or investment by GPU towards the purchase of 300,000 additional shares of Common Stock of Jersey Central, of the \$2,776,606 unexpended balance of the net proceeds from the sale of the Common Stock of Staten Island to Con Ed, pursuant to the order of the Commission dated March 28, 1950, after deducting from the \$10,776,606 net proceeds of said sale the sum of \$8,000,000 heretofore expended as capital contributions to Metropolitan Edison Company and Associated Electric Company, pursuant to the order of the Commission

dated February 8, 1950 (as amended by the aforesaid order dated March 28, 1950) and the order of the Commission dated April 26, 1950.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-11731; Filed, Dec. 15, 1950;
8:46 a. m.]

[File No. 70-2523]

ATTLEBORO STEAM AND ELECTRIC CO. AND
NEW ENGLAND ELECTRIC SYSTEM

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 11th day of December A. D. 1950. New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Attleboro Steam and Electric Company ("Attleboro"), having filed a joint application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

Attleboro proposes to issue and sell for cash to NEES 12,500 additional shares of capital stock (par value \$25 per share) in the aggregate par value of \$312,500. Such additional shares are to be offered to NEES, the sole stockholder of Attleboro, at the price of \$45 a share. NEES proposes to acquire such shares and will use available cash for such purpose.

Attleboro presently has outstanding \$500,000 of 3 percent promissory notes held by banks. The proceeds from the sale of the proposed additional shares of capital stock, amounting to \$562,500, will be applied to the payment of such indebtedness and the balance is to be applied to the cost of properly capitalizable extensions, enlargements and additions to Attleboro's plant and property.

The Massachusetts Department of Public Utilities has approved the proposed issuance and sale of common stock by Attleboro.

Incidental services in connection with the proposed transactions by Attleboro and NEES will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof. The cost to Attleboro and NEES of such services is estimated not to exceed \$1,000 and \$500, respectively. Total expenses to be borne by Attleboro and NEES are estimated at \$1,700 and \$500, respectively.

Applicants request that the Commission's order become effective upon the issuance thereof.

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder and that no adverse findings are necessary; that the estimated fees and expenses in connection therewith are not unreasonable and that the application, as amended, should be granted without the imposition of terms and conditions other than those contained in Rule U-24 and the Commis-

sion deeming it appropriate to grant the request of NEES and Attleboro that the order herein become effective upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that the said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-11732; Filed, Dec. 15, 1950;
8:46 a. m.]

[File No. 812-703]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of December A. D. 1950.

In the Matter of Bankers Securities Corporation, Northeast Corner Illinois Avenue, and Boardwalk Corporation; File No. 812-703.

Notice is hereby given that Bankers Securities Corporation ("Bankers") located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed purchase by Northeast Corner Illinois Avenue and Boardwalk Corporation ("Illinois and Boardwalk"), a controlled company of Bankers, of First Mortgage 6 percent Unsubordinated Bonds, Series A, B and C of A. C. Land Company (the predecessor in title of Illinois and Boardwalk to the real estate covered by such bonds) from Bankers pursuant to tenders to be made by Bankers in response to a general call for tenders made by Illinois and Boardwalk under the sinking fund provisions of the respective Extension Agreements of September 1, 1948, for each such series of First Mortgage Bonds.

Bankers is a closed-end, non-diversified, management investment company. As of November 30, 1950, Bankers owned 47.84 percent of the outstanding stock of Bankers Bond and Mortgage Guaranty Company of America, which owns all the outstanding stock of Bankers Bond and Mortgage Company which, in turn, owns all the outstanding stock of Illinois and Boardwalk. Illinois and Boardwalk is, therefore, an affiliated person of Bankers within the meaning of section 2 (a) (3) of the act.

Bankers also owned as of November 30, 1950, \$42,750 principal amount of Series A Bonds, \$48,750 principal amount of Series B Bonds and \$19,500 of principal amount of Series C Bonds.

Bonds repurchased pursuant to sinking fund operations under the Extension Agreements of September 1, 1948, are subordinated to the outstanding unsubordinated bonds. Illinois and Boardwalk

has outstanding a total of \$274,500 in unsubordinated bonds of Series A, B and C bonds and \$122,500 in subordinated bonds of these series.

Bankers proposes to tender bonds in each series in amounts sufficient to exhaust the sinking fund available for each such series of bonds, at a price not yet determined but within a range of 94 to 99 per cent of the principal amount (\$750) plus accrued interest. The sum of \$13,229.59 is available for sinking fund purposes of which \$6,681.63 is allocated to Series A bonds, \$3,656.39 to Series B bonds and \$2,891.57 to Series C bonds in connection with the proposed sinking fund operations.

The acceptance by Illinois and Boardwalk of any tenders of A. C. Land Company bonds from Bankers constitutes a purchase of such bonds by an affiliated person (Illinois and Boardwalk) from a registered investment company (Bankers) and is prohibited by section 17 (a) (2) of the act unless an exemption therefrom is granted by the Commission pursuant to section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 29, 1950, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 27, 1950, at 5:30 p. m., e. s. t., in writing, submit to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 50-11733; Filed, Dec. 15, 1950;
8:46 a. m.]

[File No. 812-704]

TRI-CONTINENTAL CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 12th day of December A. D. 1950.

Notice is hereby given that Tri-Continental Corporation ("Tri-Continental") of New York City, a registered closed-end diversified management investment company, has filed an application pur-

suant to section 6 (c) of the Investment Company Act of 1940 for an order exempting from the provisions of 18 (d) of the act the proposed issuance by Tri-Continental of perpetual warrants for the purchase of its common stock in exchange for the common stock of Selected Industries, Incorporated ("Selected") as part of a plan to merge Selected, another registered closed-end diversified management investment company into Tri-Continental under the circumstances and subject to the conditions described in the application.

It appears from the application that Tri-Continental owned as of September 30, 1950, 184,000 shares or 43.36 percent of the outstanding Convertible Stock and 434,500 shares or 21.12 percent of the outstanding Common Stock of Selected, the major part of which has been held by Tri-Continental since April 30, 1931. Tri-Continental and Selected have substantially the same management, their investment policies are substantially the same and each has a service contract with Union Service Corporation, a mutual non-profit company, of which Tri-Continental and Selected each owns one-half of the outstanding capital stock.

It is proposed that, subject to approval of the stockholders of Tri-Continental and Selected, Selected be merged into Tri-Continental pursuant to a statutory merger in accordance with the laws of the States of Delaware and Maryland. The allocation of securities of the surviving corporation in the proposed merger will be determined primarily upon the basis of the value of the underlying assets of Tri-Continental and Selected as of an appropriate convenient date shortly preceding the promulgation of the definitive merger Plan, but substantially in accordance with the following provisions:

A. Tri-Continental securities. Each Debenture, each share of Preferred Stock and Common Stock, and each Warrant for the purchase of Common Stock, of Tri-Continental, outstanding at the effective date of the merger, will continue to be a Debenture, a share of Preferred Stock or Common Stock, or a Warrant for the purchase of Common Stock, as the case may be, of the surviving corporation, and the terms thereof will not be changed by the merger, except that the number of shares of Common Stock purchaseable upon the exercise of the Warrants may be increased, and the exercise price decreased, as the result of the operation of the protective provisions of the outstanding Warrants.

B. Selected Securities—(1) Debentures. The Selected Debentures outstanding at the effective date of the merger will be assumed by the surviving corporation.

(2) Prior Stock. Each share of Selected Prior Stock outstanding at the effective date of the merger will receive a fraction of a share of Preferred Stock of the surviving corporation for a major portion of its claim and shares of Common Stock of the surviving corporation (taken at their asset value) for the balance of such claim.

The size of such fraction of a share of preferred stock and the amount of

such common stock will be determined on the following basis:

(a) The aggregate amount of Preferred Stock of the surviving corporation to be allocated to the Prior Stock as a class will be that amount which is at least equivalent to the amount of Prior Stock of Selected which would be outstanding if the shares thereof were reduced in number so as to produce asset and income earnings coverages for such stock which would be fairly comparable to the asset and income coverages of the resulting total issue of Preferred Stock of the surviving corporation; and

(b) The aggregate amount of Common Stock of the surviving corporation to be allocated to the Prior Stock as a class will be that amount which will be substantially equivalent, on the basis of its asset value, to the aggregate amount of the Prior Stock's claim on redemption remaining after deducting the aggregate amount of the claim on redemption of the shares of Preferred of the surviving corporation allocable to the Prior Stock under (a) above.

(3) Convertible Stock. The Selected Convertible Stock outstanding at the effective date of the merger (other than shares thereof held by Tri-Continental, which will be cancelled) will receive an aggregate amount of Common Stock of the surviving corporation equivalent in asset value to the asset value of the Convertible Stock, subject to any necessary adjustment to reflect the effect of any 1950 capital gains dividend upon the Selected Convertible Stock, in the event that any such dividend shall be declared and paid after the date of the determination of such asset value and prior to the effective date of the merger.

(4) Common Stock. The Selected Common Stock outstanding at the effective date of the merger (other than shares thereof held by Tri-Continental, which will be cancelled) will receive Warrants to purchase Common Stock of the surviving corporation, identical in terms to the outstanding Warrants of Tri-Continental, in an amount designed to protect the interest of the Selected Common Stock in future increases in value of the underlying assets. In the event that the Selected Common Stock were to have an asset value on the date as of which the allocation of securities in the merger is determined, the merger plan would make provision for the issuance to the Selected Common Stock of Common Stock of the surviving corporation equal in asset value to the asset value of the Selected Common Stock, together with Warrants of the surviving corporation in an amount designed to protect the interest of the Selected Common Stock in future increases in value of the underlying assets.

(5) Warrants. The Warrants to purchase Common Stock of Selected Industries outstanding at the effective date of the merger will receive a fraction of a Warrant to purchase Common Stock of the surviving corporation.

Reference is made to Exhibit B attached to the application for a fuller description of the treatment of the outstanding securities of Selected and for the results of applying the above formula on the basis of September 30, 1950, values

of the assets of Tri-Continental and Selected, as an illustration.

Section 6 (c) of the act provides in pertinent part that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of the investors and the purposes fairly intended by the policy and provisions of the act.

Section 18 (d) of the act provides that it shall be unlawful for any registered management company to issue any warrant or right to subscribe to or purchase a security of which such company is the issuer except under specified special circumstances which do not exist in this case with respect to the warrants to be issued to holders of Selected common stock. Since the proposed merger would involve the issuance of new Tri-Continental perpetual warrants to the present holders of Selected common stock, the application requests an order of exemption from the provisions of section 18 (d) on behalf of the proposed issuance of such additional warrants.

The application sets forth the reasons why the applicant believes the proposed merger to be in the best interest of security holders of Tri-Continental and Selected and to be in the public interest and consistent with the general purposes and policies of the act. It also states that in the case of Tri-Continental the approval of the holders of the majority of the total number of outstanding shares of capital stock (common and preferred stock) is required by the laws of Maryland and the Tri-Continental charter and in the case of Selected the approval of the holders of two-thirds of the total number of outstanding shares of capital stock (prior stock, convertible stock and common stock) is required by the laws of Delaware and the Certificate of Incorporation of Selected. However, the application states that the proposed merger will be subject to the approval of two-thirds of the Selected prior stock and two-thirds of the Selected convertible stock, in each case voting separately as a class.

The application asserts that any stockholder of Selected who is dissatisfied with the merger terms will, upon compliance with the provisions of Section 51 of the General Corporation Laws of Delaware, be entitled to payment of the value of his stock as of the effective date of the merger. Stockholders of Tri-Continental who object to the merger will not have any right to receive payment of their stock under the applicable laws of Maryland.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after December 29, 1950, unless prior thereto a hearing

upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 28, 1950, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 50-11755; Filed, Dec. 15, 1950;
8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1943, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15905]

SOUTH MANCHURIA RAILWAY CO., LTD.

In re: Securities owned by and debts due the South Manchuria Railway Company, Ltd. F-39-1576; D-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the South Manchuria Railway Company, Ltd., Higashikaenche, Dairen, South Manchuria, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Dairen, South Manchuria and is a national of a designated enemy country (Japan):

2. That the property described as follows:

a. That certain debt or other obligation owing to South Manchuria Railway Company, Ltd., by Bankers Trust Company, 16 Wall Street, New York, N. Y., arising out of a demand deposit account entitled "South Manchuria Railway Co.," and any and all rights to demand, enforce and collect the same,

b. Four Hundred Sixty Seven (467) shares of no par value \$6.00 cumulative preferred capital stock of the Far East Power Corporation, 2 Rector Street, New York, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered P 12-15 for 100 shares each and certificate numbered P 16 for 67 shares, registered in the name of South Manchuria Railway

Co., Ltd., together with all declared and unpaid dividends thereon, and

c. Six Thousand Two Hundred Fifty (6,250) shares no par value common capital stock of the Far East Power Corporation, 2 Rector Street, New York, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY 43, registered in the name of South Manchuria Railway Co., Ltd., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11753; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15918]

OTTO T. KAUFFMANN ET AL.

In re: Rights of Otto T. Kauffmann et al. under insurance contract. F-28-22653-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto T. Kauffmann and Otto Kauffmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany):

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10568922, issued by the New York Life Insurance Company, New York, New York, to Otto T. Kauffmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of

the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto T. Kauffmann or Otto Kauffmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11763; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15919]

NAOTARO AND YOSHIKO KAWASAKI

In re: Rights of Naotaro Kawasaki and Yoshiko Kawasaki under contract of insurance. File No. F-39-5790-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naotaro Kawasaki and Yoshiko Kawasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan):

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,600,791 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Naotaro Kawasaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United

States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Naotaro Kawasaki or Yoshiko Kawasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11764; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15920]

COLBERT NAOYA AND ANNA CLUCK
KUROKAWA

In re: Rights of Colbert Naoya Kurokawa and Anna Cluck Kurokawa under contract of insurance. File No. F-39-5811-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Colbert Naoya Kurokawa and Anna Cluck Kurokawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1414217 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Colbert Naoya Kurokawa, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Colbert Naoya Kurokawa or Anna Cluck Kurokawa, the

aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11765; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15921]

SEI AND KAICHI MORISHIMA

In re: Rights of Sei Morishima and Kaichi Morishima under contract of insurance. File No. F-39-4452-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sei Morishima and Kaichi Morishima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,221,839 issued by the New York Life Insurance Company, New York, New York, to Sei Morishima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Sei Morishima or Kaichi Morishima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11766; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15923]

HIROSHI NAKANO

In re: Rights of Hiroshi Nakano under contract of insurance. File No. F-39-5804-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Hiroshi Nakano under a contract of insurance evidenced by policy No. 2990212 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Hiroshi Nakano, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hiroshi Nakano, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11767; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15924]

MASAHICHI AND KIMIYO OGAWA

In re: Rights of Masahichi Ogawa and Kimiyo Ogawa under contract of insurance. File No. F-39-5951-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masahichi Ogawa and Kimiyo Ogawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,111,242 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Masahichi Ogawa, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Masahichi Ogawa or Kimiyo Ogawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11768; Filed, Dec. 15, 1950;
8:49 a. m.]

[Vesting Order 15925]

ALFRED SCHMID ET AL.

In re: Rights of Alfred Schmid et al. under Contract of Insurance. File No. F-28-28479-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Schmid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Alfred Schmid, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 76431153 issued by the Metropolitan Life Insurance Company, New York, New York, to Alfred Schmid, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Alfred Schmid or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Alfred Schmid, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Alfred Schmid, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11769; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15926]

BERTHOLD SCHROEDER ET AL.

In re: Rights of Berthold Schroeder et al. under contracts of insurance. File Nos. F-28-135-H-2, H-3, and H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berthold Schroeder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Berthold Schroeder, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 889437, 886618 and 889436 issued by the Travelers Insurance Company, 700 Main Street, Hartford, Connecticut, to Berthold Schroeder, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Travelers Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Berthold Schroeder or the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Berthold Schroeder, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Berthold Schroeder, are not within a designated enemy country, the national interest of the United States requires that such per-

sons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11770; Filed, Dec. 15, 1950; 8:50 a. m.]

[Vesting Order 15928]

TAKAE AND MUNENOBU UOMOTO

In re: Rights of Takae Uomoto and Munenobu Uomoto under insurance contract. File No. D-39-1390-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takae Uomoto and Munenobu Uomoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,800,618 issued by the John Hancock Mutual Life Insurance Company, 197 Clarendon Street, Boston, Massachusetts, to Takae Uomoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Takae Uomoto or Munenobu Uomoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined;

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11771; Filed, Dec. 15, 1950; 8:50 a. m.]

[Vesting Order 15930]

MRS. TSUMOKO YAMAGUCHI ET AL.

In re: Rights of Mrs. Tsumoko Yamaguchi, et al., under contract of insurance. File No. F-39-5070-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tsumoko Yamaguchi and Katsukei Yamaguchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,549,677 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Tsumoko Yamaguchi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Tsumoko Yamaguchi or Katsukei Yamaguchi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11772; Filed, Dec. 15, 1950; 8:50 a. m.]

[Vesting Order 15932]

KIYOZO AND KIYOTO YOSHIOKA

In re: Rights of Kiyozo Yoshioka and Kiyoto Yoshioka under contract of insurance. File No. F-39-5797-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyozo Yoshioka and Kiyoto Yoshioka, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 12,192,101 issued by the New York Life Insurance Company, New York, New York, to Kiyozo Yoshioka, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kiyozo Yoshioka or Kiyoto Yoshioka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 22, 1950.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11773; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15945]

EMMA KORPIEN ET AL.

In re: Rights of Emma Korpien et al. under insurance contract. File No. F-28-23253-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9786, and pursuant to law, after investigation, it is hereby found:

1. That Emma Korpien, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees, distributees and assigns, names unknown, of Emma Korpien, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 211778, issued by The Guardian Life Insurance Company of America, New York, New York, to Emma Korpien, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Guardian Life Insurance Company of America, together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Emma Korpien or the domiciliary personal representatives, heirs, next of kin, legatees, distributees and assigns, names unknown, of Emma Korpien, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, distributees and assigns, names unknown, of Emma Korpien, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11776; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15944]

REINHOLD W. DEBES ET AL.

In re: Rights of Reinhold W. Debes et al. under insurance contract. F-28-22866-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reinhold W. Debes, Kathe L. Debes, Wilhelmine Muchow and Louis Muchow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2084322, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Reinhold W. Debes, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Northwestern Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Reinhold W. Debes, or Kathe L. Debes or Wilhelmine Muchow and Louis Muchow, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General:

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11775; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15947]

HENNY K. MADSEN ET AL.

In re: Rights of Henny K. Madsen et al. under insurance contracts. File Nos. F-28-26865-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henny K. Madsen and Johann Harold Madsen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Henny K. Madsen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 8749682 and 8749681, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Henny K. Madsen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henny K. Madsen or Johann Harold Madsen or the children, names unknown, of Henny K. Madsen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Henny K. Madsen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11778; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15946]

HERMANN G. KULENKAMPFF ET AL.

In re: Rights of Hermann G. Kulenkampff et al. under insurance contract. F-28-23208-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann G. Kulenkampff and Flora McHatton Kulenkampff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 287072, issued by The Guardian Life Insurance Company of America, New York, New York, to Hermann G. Kulenkampff, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hermann G. Kulenkampff or Flora McHatton Kulenkampff, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11777; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15943]

CHARLOTTE AND ARNO BARTL

In re: Rights of Charlotte Bartl and Arno Bartl under insurance contract. F-23-26804-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Bartl and Arno Bartl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4286457C issued by the Metropolitan Life Insurance Company, New York, New York, to Charlotte Bartl, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Charlotte Bartl or Arno Bartl, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11774; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15948]

FREDERICK NEFF ET AL.

In re: Rights of Frederick Neff et al. under Insurance Contract. File No. D-28-10908-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Neff and Anna Neff, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 5422841A issued by the Metropolitan Life Insurance Company, New York, New York, to Frederick Neff, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frederick Neff or Anna Neff, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11779; Filed, Dec. 15, 1950;
8:50 a. m.]

[Vesting Order 15949]

JOHN SCHMID

In re: Rights of John Schmid, also known as Hans Lorenz Schmid, under Insurance Contract. File No. F-28-22707-H-1.

NOTICES

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Schmid, also known as Hans Lorenz Schmid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of John Schmid, also known as Hans Lorenz Schmid, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1727918, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to John Schmid, also known as Hans Lorenz Schmid, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Northwestern Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by John Schmid, also known as Hans Lorenz Schmid, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John Schmid, also known as Hans Lorenz Schmid, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John Schmid, also known as Hans Lorenz Schmid, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11780; Filed, Dec. 15, 1950; 8:50 a. m.]

[Vesting Order 15950]

DORA SCHMIDT ET AL.

In re: Rights of Dora Schmidt, et al., under Contracts of Insurance. File Nos. F-28-257-H-1, H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Schmidt and Ida Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 11793433, 11793432 and 11793434 issued by the New York Life Insurance Company, 51 Madison Avenue, New York 10, New York, to Dora Schmidt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Dora Schmidt or Ida Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11781; Filed, Dec. 15, 1950; 8:51 a. m.]

[Vesting Order 15951]

HANS AND CLARA SOHLERETH

In re: Rights of Hans Sohlereth and Clara Sohlereth under Contract of Insurance. File F-28-22728-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Sohlereth and Clara Sohlereth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10143126 issued by the New York Life Insurance Company, New York, New York, to Hans Sohlereth, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hans Sohlereth or Clara Sohlereth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 27, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-11782; Filed, Dec. 15, 1950; 8:51 a. m.]

[Vesting Order 16076]

MICHIHARA AKIYAMA ET AL.

In re: Stock owned by Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama, and others. D-39-18232-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michihara Akiyama, also known as M. C. Akiyama and as Michiharu Akiyama and those persons listed in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Four hundred seventy six (476) shares of \$5.00 par value Class A capital stock of Sacramento Farmers Market, Inc., 5th Street and Second Avenue, Sacramento, California, a corporation organized under the laws of the State of California, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons whose names are listed in the aforesaid Exhibit A, in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon, and

b. Seven (7) shares of \$5.00 par value Class B capital stock of Sacramento Farmers Market, Inc., 5th Street and Second Avenue, Sacramento, California, a corporation organized under the laws of the State of California, evidenced by the certificates numbered as set forth in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons whose names are listed in the aforesaid Exhibit A, in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.
No. 244—9

EXHIBIT A

Name of national	Certificate No.	Class of stock	Number of shares
M. C. Akiyama.....	151	A	9
	451		10
	701		1
	1215		4
	1594		4
	2170		3
	2440		3
	2811		3
	2414		2
	150		1
K. Oki.....	1072	A	2
	1718		12
	1719		1
	1917		2
	2471		2
	2998		2
	3388		1
	556		1
	297		5
	621		1
E. Tsukamoto.....	530	A	2
	1977		1
	1875		1
	2232		2
	2638		1
	3374		1
	269		1
	65		10
	492		9
	671		4
K. Yamamoto.....	741	A	30
	1060		7
	1545		6
	2448		5
	65		1
	2009		5
	2224		23
	2526		3
	2874		4
	3089		4
Toshiyo Sakayeda.....	694	B	1
	1179		10
	314		32
	423		10
	663		8
	100		19
	155		13
	1349		12
	1396		14
	1803		12
F. Sakayeda.....	1884	A	6
	2327		24
	2373		19
	2637		80
	2690		13
	284		1
	269		9
	1235		3
	2040		3
	2575		3
Takeo Saiki.....	3395	B	1
	319		1

[P. R. Doc. 50-11783; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16092]

MARIE E. SCHAEER ET AL.

In re: Bank accounts owned by Marie E. Schaeer, also known as Marie Elizabeth Schaeer and others. F-28-23519-E-2, F-28-23520-E-2, F-28-23523-E-2, F-28-23524-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie E. Schaeer, also known as Marie Elizabeth Schaeer, Lina W. Schaeer, Anna Frankenhach and Heinrich Frankenhach, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a savings account,

account number 310,358, entitled "Ernest W. Schaeer in trust for Marie E. Schaeer," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie E. Schaeer, also known as Marie Elizabeth Schaeer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a savings account, account number 310,359, entitled "Ernest W. Schaeer in trust for Lina W. Schaeer," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lina W. Schaeer, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of the Emigrant Industrial Savings Bank, 51 Chambers Street, New York 8, New York, arising out of a savings account, account number 181296, entitled "Ernest W. Schaeer for niece Anna Frankenhach" maintained at the branch office of the aforesaid bank, located at 5 East 42nd Street, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Frankenhach, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of the Emigrant Industrial Savings Bank, 51 Chambers Street, New York 8, New York, arising out of a savings account, account number 2532 entitled "Ernest W. Schaeer for nephew Heinrich Frankenhach", maintained at the branch office of the aforesaid bank, located at 5 East 42nd Street, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Frankenhach, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt within the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11784; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16093]

ANNA SCHMID

In re: Bank account owned by Anna Schmid. F-28-17138-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schmid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 10 Irving Place, New York, New York, arising out of a Compound Interest account, account number R36712, entitled Genevieve Kaiser in Trust for Anna Schmid, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Schmid, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11785; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16094]

GORO SEKI

In re: A bank account owned by and a debt owing to Goro Seki. D-39-17857.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Goro Seki, whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Goro Seki by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Voluntary Trust Account entitled "Goro Seki, in trust for Helene T. Seki", maintained at the branch office of the aforesaid bank located at 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Goro Seki by Gunze Silk Corporation, 120 Broadway, New York, New York, arising out of a claim by Goro Seki, for dismissal wages and/or pension payments as a former officer of the said corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11788; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16097]

R. TEUCHLER

In re: Bank account owned by R. Teuchler. F-28-28024-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That R. Teuchler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to R. Teuchler by Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a Unpresented Draft Account, entitled "R. Teuchler", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11787; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16100]

BERTHA TOEPFER

In re: Debt owing to Bertha Toepfer, also known as Bertha Toepfer Vick. F-28-30696-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Toepfer, also known as Bertha Toepfer Vick, whose last known address is Bardowich, viti Furth 6, Niedersachsen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half interest in that certain debt or other obligation of the Trustees of the Gratuity Fund of the New York Produce Exchange, 2-8 Broadway, New York, New York, arising by reason of the death of Ernst Walter Karl Toepfer, a subscribing member of said New York Produce Exchange, representing benefits payable from the Gratuity Fund of said New York Produce Exchange, pursuant to Section 57 of the By-Laws of said Exchange, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11788; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16101]

H. B. WETZEL

In re: Bank account owned by H. B. Wetzel. F-28-4833-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. B. Wetzel, who there is reasonable cause to believe is a resident of Japan is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, account number 7142, entitled H. B. Wetzel, maintained with said Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11789; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16113]

HIDENO HASHIMOTO

In re: Rights of Hideno Hashimoto under Insurance Contract. File No. D-39-18783-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideno Hashimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. GR-7093—

Certificate No. 4724, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Kyoichiro Watanabe, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11790; Filed, Dec. 15, 1950;
8:51 a. m.]

[Vesting Order 16114]

WILLY HEIDINGER

In re: Rights of domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Willy Heidinger, deceased, under Contract of Insurance. File No. F-28-29591-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Heinrich Crebert, Peter Bernhard Heidinger and Dr. Ekkehard Heideinger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Willy Heidinger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. G 1706C167, issued by The Prudential Insurance

Company of America, Newark, New Jersey, to Willy Heidinger, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Willy Heidinger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11791; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16115]

ROSE HEILMANN

In re: Rights of Rose Heilmann under insurance contract. File No. F-28-28157-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose Heilmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Rose Heilmann under a contract of insurance evidenced by policy No. 5761487, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Rose Heilmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11792; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16116]

CURT HOLM

In re: Rights of the domiciliary personal representatives et al. of Curt Holm, deceased under Insurance Contracts. Files No. P-28-28338-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Curt Holm, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 95248386 and 95248385, issued by the Metropolitan Life Insurance Company, New York, New York, to Curt Holm, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Curt Holm, deceased, are not within a designated enemy country, the national interest of

the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11793; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16117]

MASATOSHI HORIUCHI

In re: Rights of Masatoshi Horiuchi under insurance contract. File No. F-39-4390-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masatoshi Horiuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7627604, issued by the New York Life Insurance Company, New York, New York, to Kazuo Horiuchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11794; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16119]

TAKEYO INOUE

In re: Rights of Takeyo Inoue under insurance contract. File No. D-39-4705-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeyo Inoue, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under supplementary contract No. 60811, issued by the New York Life Insurance Company, New York, New York, to Takeyo Inoue, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11796; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16118]

EUGEN HURST ET AL.

In re: Rights of Eugen Hurst et al. under insurance contract. File No. F-23-31054 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugen Hurst and Elizabeth Hurst, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6,668,435 A issued by the Metropolitan Life Insurance Company, New York, New York, to Eugen Hurst, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Eugen Hurst or Elizabeth Hurst, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11795; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16120]

MRS. MARIA JUNGA ET AL.

In re: Rights of Mrs. Maria Junga et al. under insurance contract. File No. F-28-29153-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Maria Junga, whose last known address is Germany, is a resi-

dent of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Junga, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 113 109 453, issued by the Metropolitan Life Insurance Company, New York, New York, to Carl Junga, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Junga, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11797; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16121]

YUTAKA KANESHIGE ET AL.

In re: Rights of Yutaka Kaneshige et al. under contract of insurance. File No. D-39-1946-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yutaka Kaneshige and Nakako Kaneshige, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4389937 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Yutaka Kaneshige, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yutaka Kaneshige or Nakako Kaneshige, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11798; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16122]

JIRO KIMURA ET AL.

In re: Rights of Jiro Kimura et al. under insurance contract. File No. F-39-6215-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jiro Kimura and Yoshiye Kimura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2888493 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Jiro Kimura, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Jiro Kimura or Yoshiye Kimura, the afore-

said nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11799; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16124]

YOSHIKO KOSHI ET AL.

In re: Rights of Yoshiko Koshi, et al., under contract of insurance. Files Nos. F-39-5482-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshiko Koshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yoshiko Koshi, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 57 893 115 and 61 322 542 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Yoshiko Koshi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoshiko Koshi or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yoshiko Koshi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the

domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yoshiko Koshi, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11800; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 16125]

HENRY KRUSE

In re: Rights of Henry Kruse under insurance contracts. Files No. F-28-24439-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Kruse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 59132422 and 59132424, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Henry Kruse, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 4, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11802; Filed, Dec. 15, 1950;
8:52 a. m.]

[Vesting Order 500A-281]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works

described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing.

e. All rights of renewal, reversion or reversioning, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any

obligation described in or affecting the foregoing.

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on November 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
A. For. 35857.	Textilmashinen ihre Konstruktion und Berechnung. 1927.	Paul Beckers (nationality not established).	M. Krayn, Berlin, Germany. (nationality, German).	Owner.

[F. R. Doc. 50-11802; Filed, Dec. 15, 1950; 8:52 a. m.]

[Vesting Order 500A-282]

COPYRIGHTS OF CERTAIN JAPANESE NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or

are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or other-

wise asserted, and whether or not specifically designated by copyright number.

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing.

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing.

e. All rights of renewal, reversion or reversioning, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or

rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1	Column 2	Column 3	Column 4	Column 5
Copyright numbers	Titles of works	Names and last known nationalities of authors	Names and last known addresses of owners of copyrights	Identified persons whose interests are being vested
Unknown.....	Nihon Emakimono Shusei: Vols. 1-6 (1929); Vols. 7-10 (1930); Vols. 11-18 (1931); Vols. 19-22 (1932).	Teijiro Mizoguchi and Eikyu Matsuoka (editors) (nationalities, Japanese).	Yuzankaku, Toyko, Japan (nationality, Japanese).	Editors and owner.
Do.....	Kojiki Zenshaku. 1935.	Yasushi Uematsu and Tatsuo Otsuka (annotators) (nationalities, Japanese).	Fukyusha-shoten, Tokyo, Japan (nationality, Japanese).	Annotators and owner.

[F. R. Doc. 50-11803; Filed, Dec. 15, 1950; 8:52 a. m.]

[Vesting Order 500A-67, Amdt.]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Vesting Order No. 500A-67, dated November 9, 1943, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order No. 500A-67, the last work listed in Column 2 of said Exhibit A and all information appearing in Columns 1, 3, 4, and 5 applicable to said work and substituting the following therefor under the various columns: Column 1, Unknown; Column 2, Handbuch der biologischen Arbeitsmethoden. Abt. III, "Physikalisch-chemische Methoden", Teil A (1 Hälfte) (1928); Teil A (2 Hälfte) (1930) and Teil B (1929); Column 3, Emil Abderhalden (Nationality not established); Column

4, Urban & Schwarzenberg, Friedrichstrasse 105 b, Berlin N 24, Germany (Nationality: German); and Column 5, Owner.

All other provisions of said Vesting Order No. 500A-67 and all action taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11804; Filed, Dec. 15, 1950; 8:52 a. m.]

[Return Order 822]

RICHARD C. LIEBIG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Richard C. Liebig, Chicago, Ill.; Claim No. 37577; October 25, 1950 (15 F. R. 7164); \$2,361.60 in the Treasury of the United States. All right, title and interest of Richard Liebig in and to the trust estate created under the will of Clarence M. Liebig, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11805; Filed, Dec. 15, 1950; 8:52 a. m.]

JACQUES EMILE JULES LANGUEPIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jacques Emile Jules Languepin, 20 rue Toulouse Lautrec, Paris, France; Claim No. 6857; property described in Vesting Order No. 293 (7 F. R. 2836, November 26, 1942), relating to United States Patent Application Serial Nos. 289301 (now United States Letters Patent No. 2,315,093); 333,242, and 333,867.

Executed at Washington, D. C., on December 11, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-11806; Filed, Dec. 15, 1950; 8:52 a. m.]